David E. Underdown

D. Alan Williams

# THE BISHOPS IN PARLIAMENT, 1559-1601

by Gerald Robert Brunk, B. A., M. A. T.

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# PREFACE

The topic of this study reflects the view of Elizabethans concerning their society--that religion and politics were inseparable. This view was the basis for Queen Elizabeth's policy of ecclesiastical supremacy, and it explains why sixteenth-century bishops were politicians and parliamentarians as well as clergymen.[1] It is not the purpose of this investigation to present an ecclesiastical history, for this has been attempted by many, most of whom were either defending or attacking the Church of England.[2] It is also not another parliamentary history of Elizabeth's reign, for no future historian can do more than modify what Sir John Neale and his researchers have accomplished in this field.

It is the purpose of this study to examine the role played by the bishops of Elizabeth's reign in the House of Lords. Whereas Neale focused his narrative primarily on the relations between the Queen and the House of Commons, this examination is concerned primarily with the relation between Elizabeth and the bishops, and secondarily the relation between the bishops and the Commons.

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[1] For a study of Church-State relations in the sixteenth-century before Elizabeth's reign, see Lacey B. Smith, Tudor Prelates and Politics, 1536-1558 (Princeton, 1953).

[2] The Anglican view is found in such histories as John Strype, Annals of the Reformation, 4 vols. (London, 1725-1731); Richard Dixon, The History of the Church of England from the Abolition of the Roman Jurisdiction to 1570, 6 vols., (London, 1878-1902); Gilbert Burnet, The History of the Reformation of the Church of England, 3 vols. (Oxford, 1829). The Catholic viewpoint is found in such works as the eighteenth-century historian, Charles Dodd's The Church History of England from 1500 to 1688, Chiefly with Regard to Catholicks, ed., M.A. Tierney, 5 vols. (London, 1839-1843); F.G. Lee, The Church Under Queen Elizabeth, 2 vols., (London, 1880; rev. eds. 1892, 1896); H.N. Birt, The Elizabethan Religious Settlement, A Study of Contemporary Documents (London, 1907). Still about the best general account is Walter H. Frere, The English Church in the Reigns of Elizabeth and James I, 1558-1625 (London, 1911).

I was not attracted to such an approach because of the multiplicity of source material, for not only is there a paucity of sources, but those which do exist are often inadequate. About all that can be learned about the functions of the bishops in the Upper House is what can be deduced from the Journal which was kept by the Clerk. If he kept a summary of speeches and proceedings on rough notes as did Robert Bowyer and Henry Elsyng in early Stuart England, there is no evidence that any have survived. Furthermore, there is no evidence that any private diaries were kept in the House of Lords as they were in the Commons and in the early seventeenth century. Consequently, while Elizabeth Read Foster could give a day-by-day account of the debates and speeches of the fourth and fifth sessions of the Parliament of 1610[3] because such sources were available, it is impossible to do the same for Elizabeth's Upper House.

The two main sources on which this study is largely based are the Journals of Sir Simonds D'Ewes, and the printed Lords Journals. Let us look first at the former. D'Ewes' compilation was made between March, 1629, and September, 1630. It was based on the transcript made by Robert Bowyer who was Clerk of the Parliaments from 1609 to 1625, and which is still extant among the Petyt MSS. in the Inner Temple Library. In addition, D'Ewes made use of what he called "the original journal-books" as well as private journals kept by Members of Parliament. After adding many of his own elucidations and comments, he consolidated his work into three MS. volumes which were published in 1682 as a folio by his nephew Paul Bowes. But even with D'Ewes' commentary, about all that can be gleaned from his Journals, are scattered references to the routine activities of the bishops as discussed in the introductory chapter of this study. He, like Bowyer, does not show attendance in the Upper House, and had few accounts of debates or speeches to include in his transcript.[4]

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[3] Proceedings in Parliament, 1610, 2 vols., Vol. I, House of Lords; Vol. II, House of Commons (New Haven, 1966).

The Lords Journals, it is generally believed, first began to be kept in the first parliament of Henry VIII which met on January 21, 1509-1510, for the existing Journals begin on this date.[5] Although they give the attendance of the lords temporal and spiritual on each day the Upper House convened, they too give little information besides the number of times a bill was read, those appointed to committees, and those who dissented certain, though not all bills. Even more disconcerting is the fact that there are gaps in the Journals, including, as we shall see later, the period when the all-important Supremacy and Uniformity bills were being decided in the House of Lords. This led Pollard to question whether the Journals which are extant are the remnant of the original ones. Since D'Ewes and Bowyer seem to have had access to materials not included in the printed Journals, and since the former include those periods which the latter omits, Pollard wonders whether D'Ewes' and Bowyer's transcripts might perhaps be more authentic than the printed Journals.[6]

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[4] Sir Simonds D'Ewes, The Journals of All the Parliaments of Queen Elizabeth, Both of the House of Lords and House of Commons, rev. by Paul Bowes (London, 1682); D'Ewes, The Autobiography and Correspondence of Sir Simonds D'Ewes (London, 1845), I, 409ff.; A.F. Pollard, "The Authenticity of the 'Lords Journals' in the Sixteenth Century," Transactions of the Royal Historical Society, 3rd series, VIII (1914), 20-22.

[5] Pollard, p. 26. However, according to Sir Robert Cotton (1571-1631), journals of the Upper House had been kept during the reign of Henry VII, but they did not all survive by Cotton's time. Cottoni Posthuma, ed., Edmund Goldsmid (Edinburg, 1884), pp. 53-54, which contains extracts from these lost journals of Henry's twelfth year.

There is another work concerning Elizabeth's parliaments which bears brief mention. That is Hayward Townshend's Historical Collections which covers the period from February 4, 1598, to December 19, 1601. Townshend was an M.P. for Bishop's Castle, Shropshire, in 1597 and 1601, and his Collections appeared in 1680. However, because of the striking resemblance with D'Ewes' Journals, Neale has questioned whether Townshend was the real author, and therefore does not attach much significance to the work.[7]

Concerning procedure in the Upper House, there are two seventeenth-century works: Henry Elsyng's The Ancient Method and Manner of Holding Parliaments in England (1660), and William Hakewill's Modus Tenendi Parliamentum (1659). The former was clerk of the Commons from 1632-1648, and the latter was a legal antiquary. The standard authority on the development of the Upper House is Luke O. Pike, The Constitutional History of the House of Lords (1894), but he deals more with the medieval and post-Tudor period than with the Tudors.[8]

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[6] Pollard, loc. cit., pp. 20ff.

[7] J. E. Neale, "The Authorship of Townshend's 'Historical Collections,' EHR, XXXVI (1921), 96-99. See also A. F. Pollard, "Hayward Townshend's Journals," Bulletin of the Institute of Historical Research, XII (1937), 149-65; XV (1937), 1-18.

Except for Strype's biographies of some of the Elizabethan bishops, and several recent works noted later in this study, there is really not much on the Elizabethan episcopate except for F. O. White's Lives of the Elizabethan Bishops of the Anglican Church (1898), which is quite good, but very much out of date. The only work written on the surviving bishops of Mary's reign is T. E. Bridgett and T. F. Knox, The True Story of the Catholic Hierarchy Deposed by Queen Elizabeth (1899), which is a staunch defense and eulogy of them. It does, however, contain valuable extracts from manuscripts and official papers.

Reference has already been made to Sir John Neale's magnificent and scholarly two-volume work, Elizabeth I and Her Parliaments (1953, 1957). It will be evident from the references to his work that it has been a constant guide for this investigation, and this should not go unacknowledged. Since I did not have access to manuscript sources used by Neale, the study is based largely on printed sources, with reference to manuscripts cited by him.

It is sometimes thought that since the Marian survivors who opposed the legislation of Elizabeth's first parliament were replaced by the Queen's own bishops, and since the House of Lords was the conservative body standing by Elizabeth assisting her against the Commons, the spiritual and temporal lords were of one mind with the Queen. This investigation into the relationship between the bishops and Elizabeth intends to show that this was not the case. These are the major questions we will attempt to answer in the following chapters: Why was the breach between the Queen and the Marian bishops not completely closed with the appointment of her own episcopal bench? What issues arose in parliament and out, which kept the breach from completely closing? On which issues was there discord and why? Finally, did the breach ever completely close? If so, when and why?

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[8] Corinne Comstock Weston's English Constitutional Theory and the House of Lords, 1556-1832 (London, 1965), deals in her opening chapter with the support of the theory of mixed government by certain of the Elizabethan clergy, but it is not very useful for our purposes. However, Elizabeth Foster's discussion on procedure in the Upper House in the early 17th century in her recent scholarly work, sheds much light on the Elizabethan House of Lords also. See also her article, "Procedure in the House of Lords During the Early Stuart Period," Journal of British Studies, V, No. 2 (May, 1966), pp. 56-73.

In most instances, I have taken the liberty of modernizing spelling, punctuation, and capitalization in the body of the text. However, the titles of early printed works have not been changed.

The topic of this study was suggested by Professor Robert R. Rea of Auburn University, who was Visiting Professor of English History here at the University in 1964-65. To Professor David Underdown, who directed this dissertation, I am greatly indebted. Without his valuable criticism and advice, this study would be far more imperfect than it is. His cooperation, guidance, and willingness to give freely of his time has been greatly appreciated. I would also like to express my gratitude to Professor Alan Williams, who agreed to act as my second reader.

Research for this dissertation was undertaken at the Library of Congress, the Shakespeare Folger Library, and Alderman Library here at the University. I should like to express my appreciation to each of these institutions for permitting me to use their facilities. I owe special thanks to the staffs of the Folger (where most of the research and writing was done) and Alderman libraries for their gracious and ready assistance.

Those who had some part in the completion of this study are too numerous to mention, but several deserve special recognition. My typist, Miss Naomi Horst of the Park View Press, has done a superb job with only a short period of time in which to do it. Last but not least, my wife, Janet, deserves much credit for this dissertation. She and my three sons have had to make many sacrifices, and her assistance in the reading of the final manuscript has been invaluable.

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# CHAPTER I

## BISHOPS AS LORDS OF PARLIAMENT

Throughout the entire Middle Ages, bishops and archbishops were participants in political as well as religious activities. In Anglo-Saxon times, they were summoned to the king's Great Council, the Witan, to advise the king on matters of state and to assist in administering the law. During the reigns of the Norman and Angevin kings, they were among those tenants-in-chief who attended the kings' regular councils as well as the Great Councils which met on the three solemn occasions of Christmas, Easter, and Whitsun. Their chief responsibilities at these Great Councils were also to advise the king on the greatest matters and to participate in the judging of pleas.

By the second half of the thirteenth century those who received writs of summons from the king were invited not only to advise him on his business, but also to discuss among themselves the business of the king and his kingdom. It was this assembly of spiritual and temporal lords which became known as the House of Lords or Upper House, as distinct from the assembly of knights and burgesses whose primary role was to grant taxes to the Crown, and which became known as the House of Commons or Lower House. Although the Commons were holding deliberations among themselves during the reign of Edward III, the term "House" does not appear until the middle of the fifteenth century with reference to the Commons, and the expression "House of Lords" is not heard of until the reign of Henry VIII.[1]

## 1. Rights and Privileges

In the first section of this chapter the following questions will be examined: (1) On what basis were bishops summoned to parliament? Was it simply because they were prelates or because they were tenants-in-chief of the crown? (2) What kind of summons did they receive? (3) What was the procedure for making proxies if bishops could not be present at parliament? (4) What specific privileges did bishops enjoy as lords of parliament?

Bishops were not elected to seats in the House of Lords as knights and burgesses were for the House of Commons. Nor was their right to attend parliament hereditary as it had become for the temporal lords, for no bishop could transmit his dignity nor his lands to an heir. At his death they went to his successor whomever he might be. However, in medieval England bishops were regarded as both peers and prelates. As peers they had the right to be judged in the king's court by their fellow-peers, although they were forbidden by canon law to participate in treason or felony trials which involved the loss of life or limb. Furthermore, bishops who were convicted of treason or felony were not tried by their fellow-peers because they claimed the right to benefit of clergy in such cases.[2]

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[1] A. F. Pollard, The Evolution of Parliament, 2nd ed. rev. (London, 1926), p. 117. C. H. Parry, The Parliaments and Councils of England Chronologically Arranged, from the Reign of William I to the Revolution of 1688 (London, 1839), p. xlii, gives the year as 1544.

[2] *Ibid.*, p. 311.

As peers, bishops were also tenants-in-chief since they held temporalities by barony from the Crown. In Anglo-Saxon England they were summoned to the king's council "only by holding some county or barony."[3] In the reign of Richard II, a charge was brought against the archbishop of York and a number of temporal lords. A declaration was made by the archbishop of Canterbury in which he stated his right as well as the right of all the prelates "holding of the Lord the King by barony" to attend all the king's parliaments and to assist in determining the affairs of the kingdom. But since in that particular parliament there were certain matters which the prelates could not deal with because of the restrictions of canon law, the archbishop stated their intention to retire "saving always the right of our peerage."[4] The summons to be present in parliament was regarded as a burden rather than a privilege by both lay and spiritual lords in the thirteenth and fourteenth centuries. Abbots in particular often tried to escape attendance by alleging that they did not hold lands by barony, which is a clear indication of their belief that they were not summoned merely because of their spiritual titles.[5] As for bishops, no summons could be issued to them until they had received the temporalities of their sees.[6] It is therefore unmistakably clear that the basis for the summons of bishops to parliament was not because of their ecclesiastical office, but because they held of the king by barony.

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[3] William Hakewill, Modus Tenendi Parliamentum (London, 1659), p. 2.

[4] Luke O. Pike, The Constitutional History of the House of Lords (London, 1894), p. 160, citing Rot. Parl., II Ric. II, no. 6.

[5] Pollard, Parliament, p. 65.

[6] Pike, p. 162.

By the beginning of the sixteenth century, attendance at parliament was no longer regarded as a burden but as a privilege by lords temporal and spiritual alike. They took pride in the fact that their seats in the Upper House reflected their positions in the kingdom.[7] Furthermore, by the reign of Henry VIII spiritual lords were regarded more as lords of parliament than as peers of the realm. This is illustrated by the fact that early in his reign Henry gave the Abbot of Tavistock a grant to be a lord of parliament, and stated that the abbot and each of his successors should be "one of the spiritual and religious lords of parliament" enjoying all the honors and privileges attached to that rank.[8] A Treatise on Pleas of the Crown written by Staunford, a justice of the Court of Common Pleas during Mary Tudor's reign, stated that bishops and abbots "enjoy the name of lord of parliament . . . not in respect of their nobility, but in respect of their possessions--of the ancient baronies annexed to their dignities."[9] Therefore by the reign of Elizabeth, bishops were summoned to the House of Lords as lords of parliament rather than as peers of the realm.

We turn next to the summons which bishops received. The earliest existing summons of a bishop to parliament was given in the year 1265 in the reign of Henry III.[10] Beginning in 1295, when a bishop or archbishop received a writ of summons, it became customary to insert a clause into the writ called the praemunientes clause which instructed him to warn or premonish certain of the lower clergy to join him in attending parliament.[11] This clause continued to be inserted long after the lower clergy ceased attending parliament, but by Elizabeth's reign it was used only in the writs which summoned the prelates and lesser clergy to Convocation. The writs of summons which temporal and spiritual lords received under Elizabeth were quite similar except for some minor differences in the salutation. The same was true for those received by bishops and archbishops, the only difference being that archbishops were addressed as "most reverend fathers in Christ," while bishops were greeted as "reverend fathers in Christ."[12]

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[7] Ibid., p. 238.

[8] Ibid., p. 164.

[9] Ibid., p. 165, citing Staunford, Les Pleas del Coron, lib. iii, p. 153.

[10] William Nelson, The Rights of the Clergy (London, 1732), p. 222.

After designating the time and place for the meeting of parliament, the writ of summons stated that the lay and spiritual lords should appear personally and without any excuse to hold a "colloquium" because of the difficulties and dangers which threatened the realm. It was stated that their advice should be given freely since it affected the honor of the Crown and the salvation and defense of both the realm and the Church. In expediting the business at hand there were to be no omissions whatsoever.[13]

Although no lord of parliament was to have any legal excuse for being absent, there were those occasions when certain individuals could not be present because of sickness or other reasons. In such cases, it was necessary, by the reign of Elizabeth, for them to inform the Queen at least a month before the opening of the parliamentary session that they could not be present. At the same time they requested a license from her which would give them permission to appoint a procurator or proxy to attend in their place. If sickness was the cause, they were then given a license which permitted them to remain at home, and they were instructed to send their proxy[14] to some person who could in their name give his assent or dissent to any matters which might be discussed in parliament.[15]

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[11] Ibid., p. 223; Pike, p. 154.

[12] For an example of such writs of summons, see D'Ewes, p. 2.

[13] Ibid.

According to Sir Simonds D'Ewes, the seventeenth-century compiler of the Journals of parliament during Elizabeth's reign, the requirement of a license when absent at any session began only after the thirty-eighth year of Henry VIII's reign.[16] He states that previously both spiritual and temporal lords could be absent without first obtaining a license. In such instances they merely stated the reason for their absence in their proxy which was directed to the Crown, and inserted pleas for the pardoning of their absence. Sometimes they testified to their illness or other reasons for their absence by oath. At other times if parliament was summoned because of some special and extraordinary occasion it was stated in the writ of summons that no proxies would be permitted without first obtaining the royal license.[17] During Elizabeth's reign, however, no lord of parliament could ever be absent without first obtaining a license from her.[18]

Once a lord of parliament received his license to be absent, he then decided whom he would appoint to take his place. In Elizabeth's reign a bishop or archbishop was free to appoint whomever he wished. His procurators could be either lords spiritual or lords temporal.[19] According to the Journals there were three instances during this reign when temporal lords were appointed the procurators of spiritual lords. In the Parliament of 1563, both the archbishop of York and the bishop of Exeter constituted the Earl of Bedford as their procurator.[20] In the Parliament of 1586-87, Lord Burghley, Lord Treasurer of England, and the archbishop of Canterbury were appointed the joint procurators of the bishop of Bangor.[21] On the other hand, it was quite rare that a temporal lord appointed a spiritual lord as his procurator in Elizabeth's reign.[22] There were times, according to D'Ewes, when spiritual and temporal lords named persons other than members of the Upper House as their procurators. These included House attendants such as judges, barons of the Exchequer, and sometimes even strangers.[23] Finally in the reign of Charles I, the House of Lords ordered that spiritual lords should appoint only spiritual lords, and temporal lords only temporal lords as their procurators.[24]

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[14] The word "proxy" here refers to the letter of proxy which was submitted to the Clerk of the Upper House. Hereafter the term "proxy" will be used for the letter, and "procurator" will be used for the person substituting for the one absent from parliament.

[15] D'Ewes, p. 3. [16] *Ibid.*, p. 6. [17] *Ibid.*

[18] *Ibid.*, p. 3.

In Elizabeth's first parliament the archbishop of York was the procurator for the bishops of Peterborough, Durham, Ely, Bath and Wells, and St. David's, as well as for the prior of St. John's of Jerusalem.[25] This example is only one of many during Elizabeth's reign and earlier which shows that a procurator could sit for as many absentees as appointed him. The number of procurators named by spiritual lords was usually two but never less, whereas temporal lords seldom constituted more than one. There are a number of exceptions to this, however, in the entries of the Journal. For example, in the Parliament of 1566 an entry shows that a temporal lord named two procurators.[26] In the Parliament of 1581 the bishop of Durham appointed three, the bishop of Bath and Wells four, and the bishop of Chester only one.[27] These exceptions ceased in the year 1626 during the reign of Charles I when the House of Lords ordered that no lord of parliament could, in the future, name more than two.[28]

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[19] Ibid., p. 6.

[20] Ibid., p. 58.

[21] Ibid., p. 378.

[22] Ibid., p. 58.

[23] Ibid., pp. 6, 7.

[24] Pike, p. 244.

[25] D'Ewes, p. 8.

When the absentee appointed his procurator or procurators, he then sent in his proxy which was delivered to the Clerk of the House of Lords or to the Clerk's deputy or servant. It was then registered in the beginning of the Journal for that session of parliament with the date that it was returned. Sometimes the day of the month was omitted.[29] The proxy which the Clerk registered was usually not a direct copy of the one sent in by the absentee lord. Instead, a special form was used with the absentee's name added to it. In the event that a lord was too far away from where parliament met or if he had some other good reason, D'Ewes says that he could make his own proxy which differed from the one used by the Clerk. According to him, the spiritual lords most often made their own.[30] The proxies which the Clerk received were often dated days and weeks before parliament was scheduled to begin, and in case there was a prorogation or postponement of parliament they were dated and returned many months before parliament finally convened.[31] Lords of the Upper House not only sent in their proxies at the beginning of a new parliament, but also usually after a prorogation, especially if there was a long interval between the sessions.[32] When the Clerk entered the proxies in the Journal, the spiritual lords were entered before the temporal lords. D'Ewes says this was not because their proxies were returned first, but because of their ecclesiastical dignity and because the archbishop of Canterbury took precedence over the greatest temporal lords.[33]

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[26] _Ibid._, p. 101. [27] _Ibid._, p. 269. [28] _Ibid._, p. 9.

[29] Before the Parliament of 1597-98, the clerks usually entered the proxies at the beginning of the Journal on the days they were returned. Afterward they were entered without giving the exact day they were returned. D'Ewes, p. 522.

Since making a proxy meant the appointment of one or more persons by an absent lord to speak for him in the House of Lords, the primary purpose for doing so was to ensure that the House would have all its members in attendance either in person or by representation.[34] The only time the House concerned itself with proxies during a session was when a division or difference of opinion was expressed by the lords. If no division occurred, it was not known to whom the proxies were directed. In case there was a division, the Clerk or his deputy, if the former was absent, would search the Journal to see whether the procurators who spoke for those absent were indeed nominated and appointed as their procurators. He then gave notice of the proxies and the persons to whom they were directed.[35] An absent lord had as many voices as he had procurators, and it has already been shown that there were often more than one. It was customary for the one who was named first to speak if he was present. If absent, the second one spoke, etc.[36] However, they all had to agree before they could vote at all.[37]

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[30] D'Ewes, p. 4. [31] Ibid., p. 5. [32] Ibid., p. 268.

[33] Ibid., p. 523. [34] Ibid., p. 9. [35] Ibid., p. 5.

In the event that the absent lord either died during parliament or else came in person to the Upper House before the session ended, the returned proxy became void. If the absentee's procurator died, or was himself absent for any reason and sent his own proxy, such proxies were to be repealed by the Lord Chancellor. A proxy was an authority to give another man's assent and it could not be transferred to a third party. If the absentee's procurator could not be present, then he had to appoint another.[38]

There were doubtless those times when spiritual lords who were present at the opening of a session could not be present for each meeting during the session. In the Parliament of 1584-85 the bishop of Exeter was permitted by license from the Queen to take his leave. There is no indication that he appointed a procurator to take his place, and since the end of the session was only a few weeks away, it is not likely that any was appointed.[39] At the opening of the Parliament of 1597-98, the bishops of Chichester, Rochester, Llandaff, Norwich, and Coventry and Lichfield were present along with the archbishop of Canterbury and ten other bishops.[40] Each of the first five were absent at some time during the session, as the Journal shows that on five different occasions excuses were made to the House for each absence by other bishops.

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[36] Ibid., pp. 5,6.

[37] Pike, p. 243.

[38] D'Ewes, p. 7.

[39] Ibid., p. 325.

[40] Ibid., pp. 523-524.

Four of the absences were due to sickness.[41] Evidently there was no representative for them on those occasions as no proxy or procurator is mentioned. The same entry made on October 24, 1597, reveals that three bishops who had sent proxies were present on the opening day.[42] Those proxies would therefore have been void since the bishops were there in person.

If upon receiving a writ of summons a spiritual or temporal lord did not appear in person at parliament or did not send a representative, he was dealt with by the lords. In the reign of Edward III some of the judges regarded such absence as punishable in the Court of the King's Bench.[43] In the reign of Elizabeth soon after the opening of parliament in 1597, Lord Burghley made a motion before the lords that those who were absent without proxies or who had begun and then ceased attending should be admonished.[44] By the beginning of the reign of Charles I, an unexcused absence meant a fine of 5s. for each day. A lord was also fined if he did not appear until after prayers. But to be absent from the first meeting of parliament was long considered the most serious.[45] Since spiritual lords could not be present in the Upper House on days which Convocation met, parliament often did not meet on those days.[46]

At this point something should be said concerning the manner in which the Clerk indicated the presence of the lords in the Upper House. First of all, he did not always show which lords were present on the opening day of a session. D'Ewes blames such omissions on the negligence of the Clerk and calls attention to them throughout his transcript. However, if the Clerk failed to record the members present on the first day, their presence was usually shown on the second day.[47] When attendance was shown, the Clerk or someone appointed by him would write down the names of those expected to be present, and would then prefix the abbreviation Pr. before the names of those present.[48] If the same lords were present in both a morning and afternoon sitting, the abbreviation would be inserted twice before their names to show that they were present twice on the same day.[49]

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[41] Ibid., pp. 529, 531, 537, 541, 545.

[42] Ibid., pp. 523, 524. [43] Pike, p. 241.

[44] Sir John E. Neale, Elizabeth I and Her Parliaments (London, 1957), II, 333. Hereafter cited as Neale, I. or II.

[45] Pike, p. 242. [46] D'Ewes, p. 67.

The names of the spiritual lords were usually entered in the Journal before those of the temporal lords including that of the Lord Keeper.[50] Only occasionally were the bishops' names placed after the earls and viscounts. In addition, D'Ewes says that they were always recorded "on the dexter side" in the original journal.[51] His explanation for this expression of priority for the spiritual lords is the same as that which he gives for entering their proxies in the Journal before the temporal lords--because of their ecclesiastical dignity, especially that of the archbishop of Canterbury.

As lords of parliament, bishops and archbishops like other members of parliament, enjoyed the right of freedom from arrest in civil actions during parliament. Furthermore, this privilege was extended to members of the Upper House when there was no parliament.[52] In addition to freedom from arrest, freedom from outlawry in civil actions was also granted. But if a lord of parliament was charged with treason, felony, or breach of the peace, he could be not only arrested, but outlawed as well.[53] Also as early as the fourteenth century, a lord of parliament was not compelled to serve on a jury panel even if his name was placed on it provided he could prove he was a lord of parliament.[54]

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[47] D'Ewes, p. 384.

[48] Ibid., pp. 111, 62. When D'Ewes explains the procedure for the Parliament of 1563 he says the clerk "signeth the name of every lord that is present with these letters Pr. (on the dexter margent of the said name) . . . ." Yet his transcription of the Journal shows that the letters Pr. came before each name.

[49] Ibid., p. 111.

[50] Ibid., p. 62

[51] Ibid., p. 422.

As prelates, spiritual lords enjoyed the right of benefit of clergy which meant that if they committed certain offenses, they were not subject to the jurisdiction of the king's courts but were given the privilege of making purgation by order of an ecclesiastical court. This right was also extended to them as lords of parliament. Any peer or lord who became involved in any case in which benefit of clergy was granted, or who was guilty of such crimes as church-robbery, horse-stealing, house-breaking, and highway robbery, could claim the right to be held as a criminal clerk. While he could claim benefit of clergy for the first offense, he could not claim it for a second offense. This meant that whereas an illiterate peasant would be hanged for robbing a church or stealing a horse, a lord of parliament, literate or illiterate, could commit the same offense once and practically escape punishment.[55]

A privilege enjoyed not only by lords of parliament but also by great officers of the state was protection by statute against slander.

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[52] Hakewill, p. 82. [53] Pike, p. 260. [54] _Ibid._, p. 261.

[55] _Ibid._, pp. 262, 263.

Under Philip and Mary anyone who was accused of speaking slander against prelates, temporal lords, or officers of the state was either fined 100 marks or lost an ear, and was confined to prison for a month. If the offense was written slander, the punishment was the loss of a hand for the first offense and life imprisonment as well as the forfeit of all goods and chattels for the second offense.[56] This was continued by a statute enacted early in the reign of Elizabeth.[57]

Finally, as early as the reign of Henry III every archbishop, bishop, earl, or baron was permitted to take deer from the royal forest enroute to parliament. He could take no more than two, and it had to be done in the presence of the forester if he was there, and only after sounding a horn if he was absent. This privilege was enjoyed until modern times when it gradually fell into disuse.[58]

### 2. Responsibilities in the House of Lords

Having examined the rights and privileges which the bishops enjoyed as lords of parliament, we turn in the second half of this chapter to the responsibilities which were theirs in the House of Lords. These responsibilities were not only numerous and varied, but some were given only on certain unusual occasions, while others were routine in every parliament from its beginning to its prorogation or dissolution.

Apparently most bishoprics previous to Elizabeth's reign possessed houses or inns in London or Westminster where bishops could reside while parliament was in session. However, according to Strype, Bishop Parkhurst of Norwich had to send a messenger to London several months before the Parliament of 1572 was to begin in order to find a place to stay. Most of Elizabeth's bishops had either to borrow or hire residences because those which their predecessors had held had been obtained by kings and princes, or were lost as a result of the importunity of courtiers.[59]

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[56] *Statutes of the Realm*, ed. A. Luders, T. E. Tomlins, J. Raithby, et. al. (London, 1810-1828), IV, 240-241, 331. Hereafter cited as *Statutes*.

[57] *Ibid*., IV, 366-367.

[58] Pike, p. 267.

When the day came for parliament to begin, the bishops would put on their parliament robes and join the state procession from the Queen's residence to Westminster Abbey. Their robes were scarlet with hoods of miniver down their backs.[60] The processions often varied from one time to another, but we are given a description by D'Ewes of the procession just prior to the opening of the Parliament of 1571 where he indicates the place of the bishops in relation to the other members of the Queen's Court. Preceding Elizabeth at the head of the procession were her attendants, the knights of the Bath, the barons of the Exchequer, the judges, the Master of the Rolls, the Queen's Attorney General, and her Solicitor General. They were followed by the bishops, the earls, and the archbishop of Canterbury in that order.[61] After going several hundred yards to the Abbey where the Queen, accompanied by her Court, would hear a service and sermon, the procession would then move to Westminster Palace where the Queen, Lords, and Commons would take their places in the Parliament Chamber.[62]

At the front of the Chamber was the Chair of Estate upon which

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[59] Strype, Annals, II, 242.

[60] D'Ewes, p. 58.

[61] *Ibid*., p. 136.

[62] Sir John E. Neale, The Elizabethan House of Commons (London, 1949), p. 337.

Elizabeth sat. Immediately on her right behind a railing which extended from both sides of the throne stood the Lord Chancellor, and on her left behind the railing stood her Secretary of State. On her right in front of the throne stood a noble holding the Cap, and beside him the Garter King-of-Arms. Another noble, accompanied by the Lord Chamberlain, stood holding the Sword on her left in front of the throne.

The bishops sat in order of precedence on a form running down from the throne on the Queen's right. At the opening of Elizabeth's first parliament in 1559, the form began with the archbishop of York and ended with the abbot of Westminster.[63] At her next parliament in 1563, the bench began with the archbishop of Canterbury and ended with the bishop of Gloucester.[64] No abbot was present then nor in any of the remaining Elizabethan parliaments. The temporal lords sat facing the bishops on a form which ran down from the throne on the Queen's left.

Between the bishops' form and the temporal lords' form were four wool sacks which formed an inner square. The upper sack nearest the throne was the Lord Chancellow's seat which he occupied when the Queen was not present. The lower sack was the seat for the Clerk of the Parliaments and the Clerk of the Crown, each with an assistant. Kneeling behind the sack were several other clerks. Along each side of the inner square were the sacks upon which the judges sat facing each other. At the rear of the Chamber was a railing behind which the members of the Lower House stood when they were present with the lords at the opening and closing of a session. Their Speaker stood on a riser in the center of the front row.[65]

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[63] D'Ewes, p. 10. The see of Canterbury was still vacant.

[64] Ibid., p. 59.

When the Queen and lords were set and the Commons had been admitted to the Upper House, the Queen would open the session by instructing the Lord Keeper of the Great Seal to declare why parliament had been called. He would then deliver an oration which consisted mainly of a description of the political and religious state of the kingdom.[66] At the beginning of the Parliament of 1571, the Lord Keeper called upon parliament to consider whether the ecclesiastical laws for the discipline of the Church were sufficient enough. If there was need for improvement he called for this to be done. Addressing himself directly to the prelates, he reminded them that since they were more familiar with the state of the Church, they were primarily responsible for seeing that the reforms were made. The Lord Keeper's instructions were even more specific in his opening speech in the Parliament of 1572. He told the bishops there that since matters of discipline and doctrine were their chief responsibility, the Queen expected them to not only confer and consult with each other on such matters, but to exhibit in parliament any bills which they thought would facilitate the execution of reforms in the Church.[67]

The spiritual lords had other responsibilities besides those which were described by the Lord Keeper. As early as the fourteenth century the archbishop of Canterbury and two members of the king's Council were commissioned to open parliament and to preside over its proceedings in case the king could not be present.[68] The same was true during the reign of Elizabeth. Only once did the Queen fail to appear for the opening ceremonies, and this was not because of illness. The occasion was at the beginning of the Parliament of 1586-87, when the Lord Chancellor told the whole assembly that Elizabeth "was so hindered by great and urgent occasions"[69] that she could not be present. Nevertheless, he reported that she had given full authority to three lords of the Upper House to begin parliament in her name and in her stead. They were the archbishop of Canterbury, Lord Burghley, and the Earl of Derby.[70] Two days later the same three commissioners again represented the Queen, although the Journal entry does not say in what capacity she was represented by them.[71]

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[65] D'Ewes' frontispiece is a seventeenth-century version of the Upper House. See also Neale, Commons, plates 2 and 3, and p. 337.

[66] The medieval Lord Keeper was usually a bishop who took a scripture text or some other theme as a basis for his oration. Under Elizabeth, however, no Lord Keeper was a spiritual lord. Hakewill, p. 209.

[67] D'Ewes, pp. 131, 192-193.

Bishops were also involved in the prorogation and dissolution of parliament. A prorogation was merely the adjournment of a session of parliament until a later date when a new session of the same parliament would begin, and the order of business would be continued from where it had been dropped at the adjournment. When a parliament was dissolved, the next sitting was not a new session but a new parliament.

The Queen's prorogation was given by the Lord Keeper at her command, and was addressed to specified spiritual and temporal lords. The bishops most often mentioned in prorogations were the bishops of London, Rochester, and Salisbury in that order. The only time any others were recorded was on April 10, 1563 when the bishops of Winchester and

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[68] Hakewill, p. 27

[69] This refers to her reluctance to be associated publicly with proceedings against Mary Queen of Scots. Neale, II, 105.

[70] D'Ewes, p. 376. [71] Ibid., p. 378.

Chichester were included with the bishop of London.[72] No more than three bishops, besides the archbishop or archbishops, were ever included in a prorogation.

Spiritual lords were not only just addressed by the Queen's prorogation, but on certain occasions they were authorized by her to assist in the prorogation. An example can be taken from April 30, 1565 when Elizabeth granted a commission to seventeen lords authorizing three or more of them to prorogue parliament until the fourth of October. Three of them were spiritual lords: the archbishop of Canterbury, and the bishops of London and Rochester. On April 30, the bishop of London and thirteen temporal lords met in the Parliament Chamber and prorogued the parliament after which the Queen's commission was read publicly by the Clerk.[73]

On October 4, a similar commission was directed to the archbishop of Canterbury, the bishops of London and Rochester, and ten other lords authorizing three or more of them to again prorogue parliament until February 7, 1566. The commission was read by the Clerk before ten of the commissioners as well as before the Commons.[74]

Following its prorogation on March 18, 1581, parliament was prorogued sixteen times before it was dissolved on April 19, 1583. The bishop of London participated in nine of the prorogations and the bishop of Salisbury in one. The bishop who assisted in the eleventh is not specified by the Journal.[75]

The last parliament where the Journal shows that spiritual lords helped in the prorogation was the Parliament of 1584-85. On May 20, 1585 the archbishops of Canterbury and York, and the bishops of London, Salisbury, and Rochester were among those commissioned by Elizabeth to prorogue parliament until the seventh of June. On that day the archbishop of Canterbury and another bishop not named were commissioned with a number of others to again prorogue parliament until June 21.[76]

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[72] _Ibid._, p. 77.

[73] _Ibid._, p. 94.

[74] _Ibid._

[75] _Ibid._, pp. 274, 275.

It is not surprising that the names of the spiritual lords were also sometimes included in the Queen's dissolution of parliament. D'Ewes' transcription shows that among those addressed in the dissolution of the Parliament of 1581 were the archbishop of York and the bishops of London, Salisbury, and Rochester.[77] This was the only parliament of Elizabeth at which she was not present for the dissolution. On March 23, 1587, letters patent were read by the Clerk authorizing eight lords to dissolve parliament. Two of the eight were the archbishops of Canterbury and York.[78] Thus while both bishops and archbishops assisted in the prorogation of parliament, the responsibility of helping to open and dissolve it in case the Queen was absent was given only to the highest prelates in the realm.

From the fourteenth century on, following the Lord Keeper's opening speech and the departure of the Commons to their chamber, the Clerk would read the names of those who had been selected by the crown to act as triers and receivers of petitions. Triers were chosen from a list of lords spiritual and temporal who had been summoned to parliament as well as several judges. They were divided into two committees, and they sat in two small chambers adjoining the Upper House. One committee examined petitions for England, Ireland, Wales, and Scotland. The other examined those for Gascony and foreign possessions of the Crown. Their task was to decide which court the petitions should be referred to, and if certain ones required a hearing in parliament, they were to report such petitions there. Receivers were men who had not received a summons. They were usually chancery clerks who were seated in some public place outside parliament to receive petitioners' requests or complaints.[79]

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[76] Ibid., p. 329. [77] Ibid., p. 275. [78] Ibid., p. 389.

According to the Journal, the names of triers and receivers were still read by the Clerk at the beginning of each Elizabethan parliament.[80] Whether the two committees of triers actually met, the Journal does not say, but it would seem that the appointment of both triers and receivers was a carry-over from pre-Tudor days which no longer applied to the Elizabethan situation. England no longer held Gascony and Guienne on the continent, and parliamentary process was now by bill rather than petition.

If the archbishop of Canterbury was present, he was always named, together with several bishops and temporal lords, as trier of petitions for England, Ireland, Scotland, and Wales. Likewise, when the archbishop of York was present, he, along with several other bishops and temporal lords, was named trier of petitions for Gascony and overseas possessions.[81] A minimum of four of the named prelates and temporal lords were to meet in the Lord Chamberlain's Chamber to examine petitions for England, Ireland, Wales, and Scotland, calling upon the Lord Keeper, the Lord Treasurer, and the Queen's serjeants when necessary. Likewise, at least four of the bishops and temporal lords named to examine petitions for lands outside of England were to meet in the Lord Treasurer's Chamber, calling upon the Queen's Attorney, Solicitor, and serjeants if they were needed.[82] The number of bishops named to meet with the archbishop of Canterbury as triers varied as did the bishops. Sometimes there were three;[83] other times there were only two.[84] Every time the archbishop of York was present, three other bishops were named as triers with him.[85] When he was absent at the opening of Elizabeth's last four parliaments, three bishops were named in one of them, and only two were named in the last three.[86]

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[79] William Stubbs, The Constitutional History of England (Oxford, 1875-1878), 2nd ed., III, 452; Charles H. McIlwain, The High Court of Parliament and Its Supremacy (New Haven, 1910), pp. 201-209.

[80] D'Ewes, p. 61.

[81] *Ibid.*, p. 137.

Occasionally the bishops were called upon to assist with peerage cases affecting membership in the Upper House. One such case occurred in the Parliament of 1597 when Thomas de la Warr presented a petition for his "ancient and right place of precedence in and amongst the peers in parliament." The petition was read and then committed to the judgment of a committee including the bishops of London and Winchester.[87]

In Elizabeth's last parliament, a matter of privilege came before the Upper House. The archbishop of Canterbury reported to the House that George Percivall, a servant of the bishop of Peterborough, had been beaten and abused. The House then named a committee of three to call Percivall and his informant before them two days later at the Parliament Chamber, and to investigate the matter and inflict such punishment on the offender as he deserved. The committee consisted of the bishop of London and two other lords.[88]

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[82] _Ibid._, pp. 195-196.

[83] _Ibid._, pp. 61, 137, 195, 377, 600.

[84] _Ibid._, pp. 312, 420, 458, 526.

[85] _Ibid._, pp. 61, 137, 196, 312, 377.

[86] _Ibid._, pp. 420, 458, 526, 600.

[87] _Ibid._, p. 527.

The Journal also shows the bishops occasionally assisting in the financial collections and contributions in the House of Lords. In the Parliament of 1597-98, the bishop of Worcester called for a collection to be made for the poor and was then appointed as one of the collectors.[89] Likewise, when a collection was taken for wounded soldiers, the same bishop was appointed to help collect the contributions. Certain chosen bishops were then given the responsibility of distributing the funds to those who were in greatest need.[90]

On at least two occasions, spiritual lords were included among those named to consider contributions to the Queen. On March 11, 1587, the archbishop of Canterbury reported to the Upper House that upon request of the Commons, a committee from the lords of which he was a member met with a committee from the Commons to discuss the joining of the two Houses to make a contribution to the Crown to help meet the costs of the wars in the Low Countries. The other prelates on the lords' committee were the archbishop of York and the bishops of London, Winchester, and Salisbury. Upon hearing from the archbishop as to how the Commons intended to proceed with the contribution, the Upper House decided to wait two days before giving their answer. However, D'Ewes says that there is no indication from either the original Lords' Journal or Commons' Journal that any answer was given at that time.[91]

On March 16, a new committee was appointed by the lords to discuss further the contribution to the Queen. The spiritual lords remained the same as on the committee which had previously met with the Commons committee. It was resolved by the committee that two shillings in the pound should be given to Elizabeth as a free gift after the rate of the subsidy of the temporality which was granted in that session of parliament. When the resolution was presented to the whole House, the temporal lords all agreed to ratify it and to make the contribution at such a time and to such persons as the Queen appointed.[92]

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[88] _Ibid_.

[89] _Ibid_.

[90] _Ibid_., pp. 463-464.

[91] _Ibid_., p. 386.

The primary responsibility of both Houses was of course the reading, debating, committing, and passing of bills. During Elizabeth's reign most bills originated in the House of Commons and were then passed or rejected by the House of Lords. Those originating in the Upper House, however, carried more prestige than those beginning in the Commons.[93]

It became a normal practice during this reign to give a bill three readings in the House of Lords. There was usually no debate after the first reading, but rather the lords were given two or three days to reflect on the content of the bill.[94] At the second reading of the bill by the Clerk, opportunity was given for speeches to be made for or against it. When the House was ready to accept the major portion of the bill, but felt it was necessary to attach certain ammendments, it was then "committed" or referred to a committee of lords. Although committal usually came after the second reading, there were times when it came immediately after the first, and other times when it did not come until after the third reading.[95]

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[92] Ibid., p. 387. D'Ewes explains that the spiritual lords had previously offered their contribution to Elizabeth.

[93] Neale, Commons, p. 429.

[94] In the Parliament of 1584-85, a bill to improve the keeping of the Sabbath was read twice the same day. D'Ewes, p. 315.

Following the work of the committee, a committee member would report to the House any changes that had been made, and these would then be read by the Clerk. Upon acceptance by the lords, the bill was then engrossed. That is, it was transcribed from paper, upon which it was first written, to parchment in its final form.[96] This text was the one then read by the Clerk a third time before the bill was passed.

It is as committee members that the spiritual lords are most frequently referred to in the Journal. When a bill was committed, the committee usually consisted of both spiritual and temporal lords. In most instances the committees included more temporal lords than bishops and archbishops, but there was at least one occasion when the reverse was true. In the Parliament of 1571, the "bill touching dilapidations by ecclesiastical persons" was submitted to a committee of six bishops, four temporal lords, and two doctors of civil law. D'Ewes notes that this was very unusual, but he also observes that a bill concerning dilapidations rightly belonged to ecclesiastical courts. This probably accounts for the fact that the bishops were in the majority.[97]

The number of spiritual lords appointed to committees varied greatly. For example, the Journal shows that on March 15, 1563, a bill was committed to the bishop of London alone after it had been read only once. The bill was to make the Hospital of St. Katherine's in London a parish church.[98] The largest number recorded by the Clerk was seven when six bishops and the archbishop of Canterbury were appointed on December 8, 1597, with seventeen temporal lords and several others to examine a bill for the relief of the poor.[99] The fact that this was not a bill dealing with strictly ecclesiastical matters indicates that the number of spiritual lords on a committee was not always necessarily determined by the type of bill. There were many occasions when non-ecclesiastical bills were examined by them in committee.

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[95] D'Ewes, p. 67.

[96] *Ibid.*, p. 18.

[97] *Ibid.*, p. 145.

[98] *Ibid.*, p. 70.

Sometimes a bill which was committed was found to be so unsatisfactory that it would be re-written in the committee. For example, the treasons bill in the Parliament of 1571 was re-written and examined by six of the lords, three of whom were bishops.[100] It was then given its third reading and was passed.

It was also not uncommon for bishops to be a part of committees appointed to study precedents for handling bills, and to meet with certain members of the Lower House to discuss action taken on bills by the lords. In the Parliament of 1584-85 a bill for improving the observation of the Sabbath was slow in passing both Houses because no agreement on it could be reached. Finally after the Commons had added one amendment after another to the bill, the Upper House appointed the bishop of Winchester and several temporal lords to examine the record concerning such action by the Commons.[101]

On January 14, 1598, the archbishop of Canterbury and the bishop of Winchester were appointed with several other lords to meet with a committee from the Commons to explain why the lords had amended a bill to erect houses of correction and to punish vagabonds and beggars. The request for this explanation had been made by the Commons. The two committees met and two days later the archbishop of Canterbury reported to the Upper House that the Commons were satisfied with their reasons for amending the bill.[102]

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[99] *Ibid.*, p. 531. [100] *Ibid.*, p. 148. [101] *Ibid.*, p. 322.

The fact that the archbishop of Canterbury made the report to the House of Lords was not just coincidental, for he was regarded as "the first of the committees."[103] It was therefore his responsibility to act as chairman of the committee and to report the action of the committee to the House.[104] Although the Journal does not show who had this responsibility when the archbishop was not a committee member, one would assume that it was the highest peer present.

We can be sure that the spiritual lords entered into the debate of bills just as much as the temporal lords, but unfortunately the Journal is more often silent than informative on this. Furthermore, while certain members of the Lower House occasionally kept diaries on the proceedings there, as far as we know, no such diaries exist from the House of Lords. The roles played by the bishops in determining the outcome of specific legislation will be discussed in later chapters.

Finally the Journal reflects some of the judicial responsibilities of the bishops in parliament. It should be remembered that canon law did not permit spiritual lords to be judges of life and death, but as lords of parliament they participated in the handling of less serious cases. Most of these cases were dealt with by committees which usually included one or more bishops. For example, in the Parliament of 1584-85, the bishop of Winchester was one of a committee named to examine the confession made to the House by a James Diggs who had issued a false complaint against a knight. They were to determine whether the confession was made in the right manner.[105] Later in the same parliament, a dispute between two parties was committed with the consent of the parties to two bishops and six other lords who were named by the parties themselves, attended by the chief justice and chief baron. The plaintiff chose the bishop of Salisbury with three others while the defendant chose the bishop of Exeter and three others. The committee was instructed to end the dispute if possible; if not, it was to report the matter as they found it to the entire House.[106] In the Parliament of 1601 the archbishop of Canterbury and the bishop of Winchester were appointed with other lords to investigate precedents for bringing persons before the lords, and to report to the House so the lords could settle the matter before them.[107]

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[102] Ibid., pp. 537, 538.

[103] Ibid., p. 537. The term "committees" was used for committee members.

[104] Ibid., pp. 528, 537, 538, 539, 541, 543, 603, 609.

Furthermore such committees had the responsibility of judging how much an arrested person should pay before being discharged from prison by the lords. In the Parliament of 1601, William Hogan, an ordinary servant of the Queen, was brought before the lords to testify concerning his arrest for debt the day before parliament began by the under-sheriff of the county of Surrey. Upon Hogan's offer to pay the principal debt of 50 pounds the bishop of London and two other lords were ordered by the House to determine any other costs or charges which should be made.[108] A little later the same responsibility was given to a committee including the bishops of Durham and Winchester on behalf of a William Vaughan who had been arrested and imprisoned unjustly and then freed by the Upper House.[109]

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[105] _Ibid._, p. 316.

[106] _Ibid._, p. 321. For similar situations see pp. 319, 542.

[107] _Ibid._, p. 603.

What we have attempted to do in the latter part of this chapter is to shed some light on the routine activities of the bishops in the day-to-day business of parliament. The following chapters will attempt to deal more with the issues which came before the lords, and how the bishops in particular responded to those issues.

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[108] Ibid., p. 605.

[109] Ibid., p. 609.

# CHAPTER II

# THE OPENING OF THE BREACH

## 1. The Marian Survivors

When Elizabeth ascended the throne of England on November 17, 1558, there were twenty-six dioceses in England and Wales. Six of the sees were vacant because the bishops were no longer living. They were Bangor, Canterbury, Gloucester, Hereford, Oxford, and Salisbury. Before the year was out, Bristol, Chichester, Norwich, and Rochester became vacant for the same reason.

The archbishop of Canterbury, Cardinal Pole, died on the same day as his Queen.[1] Three days later the death of Maurice Griffin, bishop of Rochester, occurred.[2] The following month death claimed Bishops John Hopton of Norwich, John Holyman, of Bristol, and Christopherson of Chichester.[3] The latter had been called before Elizabeth because of a sermon he had preached on the second Sunday of her reign in which he warned his listeners not to accept the Protestant religion. After he had been examined concerning his sermon, he was ordered to be imprisoned.[4]

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[1] There is some disagreement as to the exact date of Pole's death, but the most likely one is November 17, 1558. See Thomas E. Bridgett and T. F. Knox, *The True Story of the Catholic Hierarchy Deposed by Queen Elizabeth* (London, 1899), p. 14.

[2] Strype, *Annals*, I, 31.

[3] Bridgett and Knox, p. 15; Strype, *Annals*, I, 32.

[4] *Zurich Letters* (ed. Hastings Robinson, Parker Society, Cambridge, 1842), I, 4. Cited hereafter as *Z.L.*, I.

Within a month after he had preached it, he was dead.

Therefore, when Elizabeth sent out her writs of summons for her first parliament, there were only sixteen bishops left, and only nine of them participated in the first three months of parliament. They were Edmund Bonner of London, John White of Winchester, Richard Pate of Worcester, Anthony Kitchin of Llandaff, Ralph Baynes of Coventry and Lichfield, James Turberville of Exeter, Cuthbert Scot of Chester, Owen Oglethorpe of Carlisle, and Nicholas Heath, archbishop of York. The seven absentees were Thomas Goldwell of St. Asaph, Thomas Watson of Lincoln, Thomas Thirlby of Ely, Gilbert Bourne of Bath and Wells, David Pole of Peterborough, Cuthbert Tunstal of Durham, and Henry Morgan of St. David's.

### (a) The Absentees

We will first briefly examine the absentees and the reasons why they were absent. All of them seem to have accepted the Henrician reformation except Goldwell who went into exile and did not return until 1554. During that time he joined the Theatine Order at Naples. Before leaving England he had studied at All Souls, Oxford, where he received his B.D. in 1533, and where he attained success in astronomy and mathematics. After he returned from exile, he became bishop of St. Asaph in 1556, and two years later was nominated by Mary to the see of Oxford. She had also decided to appoint him as her ambassador to the pope, but she died before either his translation or his appointment could be made.[5] Goldwell was not only absent, but was not even summoned to Elizabeth's first parliament. The month before parliament began, he wrote to Secretary

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[5] Bridgett and Knox, pp. 211-226.

Cecil asking that he be given a license to be absent since he had not received any writ of summons. He was puzzled by the fact that he was not summoned, as he regarded himself as still holding the bishopric of St. Asaph.[6] Goldwell reminded Cecil that he had participated in Mary's last parliament, and that although she had named him to Oxford without his knowledge or consent, he had not resigned his bishopric, and did not intend to accept Oxford since he was satisfied with his own see.[7] After being deprived for not accepting the Elizabethan settlement, he escaped to the continent. He was appointed by the pope to attend the Council of Trent where he did his best to get Elizabeth excommunicated. He made two attempts to return to England and aid the Catholics, but both were unsuccessful.[8] Goldwell died in Rome in the year 1585.[9]

Thomas Watson had been ill for several months. John Jewel, one of the Marian exiles, wrote on January 26, 1559, that he had even received word of his death.[10] This was not true, however, for Watson was later a participant at the Westminster Disputation which was held during the Easter recess. The Journal does not show that he appointed anyone as his procurator. Perhaps he expected his health to improve, permitting him to be present at the opening of parliament. Watson was a graduate of St. John's College, Cambridge, where he was elected Fellow during the reign of Henry VIII, and became Master under Mary. He was an eminent classical scholar and friend of Roger Ascham who helped to revive Greek learning at Cambridge.[11] During the reign of Henry VIII he took the oath of supremacy because of the executions of Fisher and More.[12] Watson supported Gardiner in opposing the Edwardian changes in religion, and was twice imprisoned for his anti-Protestant preaching.[13] However, he did not let his religious beliefs prevent him from accepting the royal supremacy under Edward VI.[14] During Mary's reign, he exhorted the people in his sermons to hold to the Catholic faith, debated Cranmer, Ridley, and Latimer at Oxford, and participated in the proceedings against Hooper and Rogers. He became bishop of Lincoln in 1557, and after his deprivation and imprisonment under Elizabeth, he died in Wisbech Castle in 1584.[15]

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[6] Great Britain, Public Record Office, Calendar of State Papers, Domestic, 1547-1580 (ed. Robert Lemon, London, 1856), I, 52. Cited hereafter as Cal. S.P. Dom. Eliz.

[7] Bridgett and Knox, pp. 227, 228, citing State Papers Domestic, Elizabeth, I, no. 52.

[8] Bridgett and Knox, pp. 230 ff.

[9] Strype, Annals, I, 144.

[10] Z. L. I, 6.

Thomas Thirlby appointed the archbishop of York and the bishops of Chester and Lincoln (another absentee) as his procurators.[16] He was not even in England when parliament began, but was on an embassy abroad.[17] He had been sent by Mary to negotiate with France for the restoration of Calais and the making of peace. Because of his part in the concluding of the treaty of Câteau-Cambrésis, it is said that Elizabeth laid much of the blame on him for the loss of Calais.[18] Since Thirlby returned to England to participate in the post-Easter session of parliament, he will be discussed further when the background of the bishops who were present is examined.

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[11] Dictionary of National Biography: "Thomas Watson," cited hereafter as DNB.

[12] Bridgett and Knox, p. 126.

[13] DNB, XX, 943.

[14] Bridgett and Knox, p. 141.

[15] DNB, XX, 943, 944.

[16] D'Ewes, p. 5; Great Britain, Parliament, Journals of the House of Lords, n. d., I, 541.

[17] Strype, Annals, I, 57.

[18] Bridgett and Knox, p. 97.

Gilbert Bourne of Bath and Wells was also Lord President of Wales. Absent for this reason, he appointed Heath of York, Bonner of London, and Turberville of Exeter as his procurators.[19] Bourne was an Oxford graduate, having been Fellow of All Souls during the reign of Henry VIII. Apparently he did not oppose the Henrician or the Edwardian policies, for he was granted a number of preferments in both reigns. As a Marian bishop he was zealous in the restoration of Catholicism, but he urged Protestants to recant rather than undergo persecution.[20]

In a letter to Cecil on December 28, 1558, David Pole of Peterborough asked that Elizabeth accept a gift of twenty marks and excuse him from attendance at parliament.[21] His request was evidently granted, for the Journal shows that his procurators were Heath of York, Bonner of London, and Baynes of Lichfield and Coventry.[22] Like Bourne, Pole had been a Fellow of All Souls at Oxford. He was a student of both civil and canon law. He must certainly have accepted the Henrician reformation, for in addition to his other preferments, he was given the high position of Vicar-General to the archbishop of Canterbury in 1540. Under Mary, Pole found high favor with his relative, Cardinal Pole, and served as his Vicar-General before becoming bishop. Despite the fact that he sanctioned and participated in the Marian persecutions, he is said to have had the respect of Elizabeth.[23]

Before parliament convened, Elizabeth informed Cuthbert Tunstal of Durham that because of his age he would not need to be present at either

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[19] _DNB_, II, 937; _L. J._, I, 541.

[20] _DNB_, II, 936.

[21] _Cal. S. P. Dom. Eliz._, I, 48.

[22] D'Ewes, p. 4; _L. J._, I, 541.

[23] _DNB_, XVI, 20-21.

her coronation or in parliament. He therefore appointed Archbishop Heath as his procurator.[24] He came from the Tunstal family long established at Thurland Castle, Lancashire, and was the illegitimate son of Thomas, squire of the body to Richard III. Tunstal's mother was a daughter of Sir John Conyers of Hornby Castle.[25] He had studied at both Oxford and Cambridge, and received his L.L.D. at Padua. He was a scholar of theology, Greek and Hebrew, mathematics, and civil law. Besides being a friend of More and other intellectuals of the Henrician court, he had held a number of important positions in Henry's government. As a diplomat, he served on numerous embassies to Charles V. One of these assignments had taken him to the Netherlands where he was the guest of Erasmus. In 1516 Tunstal was made Master of the Rolls, and in 1523 became Lord Privy Seal.[26] He was consecrated bishop of London in 1522, and was translated to Durham in 1530 when he surrendered the Privy Seal. The same year Tunstal was appointed President of the Council of the North where he played an important role especially after 1537.[27] He opposed granting Henry royal supremacy of the Church, but once it was granted, he not only accepted it but promoted it as well.[28] Likewise, he opposed the first Edwardian Prayer Book, but enforced the changes once they were made.[29] He even sat in the Council until his friendship with Somerset brought charges of treason against him for which he was deprived of his bishopric and placed in the Tower. Tunstal was restored to his see by Mary, and although he was a party to the condemnation of Hooper and Rogers, he could not be called a persecutor, for no heretic was burned in his diocese.[30] While he had accepted both the Henrician and Edwardian reforms, he refused to accept the Elizabethan settlement, and was again deprived. The reasons for his refusal will be examined later.

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[24] Cal. S. P. Dom. Eliz., I, 37; L.J., I, 541.

[25] Charles Sturge, Cuthbert Tunstal (London, 1938), p. 3.

[26] DNB, XIX, 1238.

[27] Sturge, pp. 72, 110, 147, 151.

[28] Ibid., pp. 179, 198.

[29] Ibid., pp. 270, 280.

The last absentee bishop was Henry Morgan of St. David's. He too was excused for some unknown reason, and appointed Archbishop Heath, and Bishops Bonner and Pole (another absentee) as his procurators.[31] He was a Pembrokeshire native who received his education at Oxford, graduating in 1525 with a doctorate in civil law. It would seem that he too accepted the Henrician reformation, for after taking holy orders he was granted numerous preferments between 1529 and 1551. He was appointed bishop of St. David's by Mary in 1554, and remained there until his deprivation in the summer of 1559.

### (b) The Participants

We turn now to the ten bishops who participated at one time or another in Elizabeth's first parliament. All of them had taken university training. Four were graduates of Cambridge, and the other six were from Oxford. Those from Cambridge were Baynes of Lichfield and Coventry, Scot of Chester, Thirlby of Ely, and Heath of York. Each of the Cambridge bishops had at one time been a Fellow of his particular college, and Scot had been Master and Vice-Chancellor as well. All but three of the ten (Baynes, Pate, and White) appear to have accepted the changes of Henry VIII.

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[30] DNB, XIX, 1240-1241; Sturge, p. 117.

[31] L.J., I, 541.

Ralph Baynes spent the latter part of Henry's reign on the continent where he was professor of Hebrew at the University of Paris. He did not return to England until Mary came to the throne. Little is known of his early life except that he was a native of Yorkshire and his father was Adam Baynes. He attended St. John's College, Cambridge, where he received his M.A. in 1521. Upon his return to England, he became bishop of Coventry and Lichfield. As bishop, he not only participated in the trials of Hooper, Rogers, and Taylor, but also played a leading role in the Marian persecutions.[32]

Richard Pate was the son of John Pate of Oxfordshire and Elinor, a sister to John Langland, bishop of Lincoln. He earned his B.A. from Corpus Christi College, Oxford, in 1523, but he went to Paris for his M.A. Pate was appointed as Henry's ambassador resident at the court of Charles V in 1533. Three years later he was with the emperor at Rome when Charles defended his aunt, Catherine of Aragon. From there Pate accompanied the emperor to the Netherlands. In 1541 he was named to the bishopric of Worcester by the pope, and the following year was attainted of high treason because he refused to return to England. He remained in exile until the accession of Mary, attending the Council of Trent in 1547, 1549, and 1551. He was deprived and imprisoned by Elizabeth, but eventually gained his freedom and went to Louvain where he died in 1565.[33]

John White was born in Farnham, Surrey, the son of Robert White, and brother of Sir John Whyte who became Lord Mayor of London in 1563. Like

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[32] DNB, XVII, 953.

[33] Bridgett and Knox, p. 76; DNB, XV, 455-456.

Turberville, he first attended Winchester College, and then in 1527 became Fellow of New College where he received his M.A. in 1534. The same year he resigned his fellowship, being Master of Winchester College at the time. The fact that his resignation occurred in the same year that Henry broke with Rome plus the fact that he did not receive many ecclesiastical preferments makes it clear that he did not support the Henrician reformation. Because of his refusal to conform to the religious changes of Edward VI, he was first sent to the Tower, and later was placed in the custody of Cranmer. He was consecrated bishop of Lincoln under Mary in 1554, and two years later was promoted to the see of Winchester. In the meantime, White was awarded his B.D. and D.D. from Oxford. Besides being a bishop, he is said to have also been a learned controversialist and poet.[34]

Cuthbert Scot was educated at Christ's College, Cambridge, where by 1547 he had received his D.D. There is no reason to believe that he opposed the Henrician reformation, and he also is believed to have accepted the religious changes of Edward VI. However, during Mary's reign he took a prominent part in the Catholic reaction participating in the Oxford debate with Cranmer, Ridley, and Latimer. He was named to the diocese of Chester by the pope, and devoted his energies to reviving Catholicism in his diocese until the death of Mary.[35]

Thomas Thirlby was the only one who could claim to have been a Henrician, Edwardian, and Marian bishop. He was the son of John Thirleby, a scrivener who was townclerk and treasurer of Cambridge. His mother Joan was the daughter of William Campion, a London gentleman, and his grandfather is thought to have been the king's Serjeant-at-Arms and M.P. for Stamford three times between 1485 and 1492.[36] He attended Trinity Hall, Cambridge, and took his degrees in canon and civil law.[37] Due to the influence of his friend and patron Cranmer, Thirlby entered the national political scene under Henry VIII. As the king's chaplain, he supported the abolition of papal jurisdiction in England.[38] He twice served as ambassador to France, once to Charles V in Spain where he negotiated a treaty between England and the Empire, and he was resident ambassador at the court of the emperor from 1545 to 1548.[39] Besides being a member of the Privy Council, he was consecrated the first and only bishop of Westminster in 1540. Ten years later the diocese was dissolved, and Thirlby was translated to Norwich although he never entered that diocese.[40] He was not on the Council of Edward VI, and he opposed the first Prayer Book because it abolished the elevation and adoration of the sacrament. Although he cast his vote against the Uniformity bill of 1549, he enforced it after it was passed by parliament, and he accepted a bill permitting clerical marriage.[41] With the accession of Mary to the throne, Thirlby was again soon in high favor. He regained his seat on the Council, served on another diplomatic mission to the emperor, was translated from Norwich to Ely, and was even entrusted with the Great Seal for a time.[42] He presided at the heresy trials of Hooper, Rogers, and Taylor, and served on a mission to the pope. His last mission as diplomat, as we have already noted was to negotiate with France for the restoration of Calais and the making of peace.[43]

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[34] Ibid., XXI, 52-54; Bridgett and Knox, p. 66; Alumni Oxonienses, 1500-1714 (ed. Joseph Foster, Oxford, 1891), II, 1614. Cited hereafter as Alum. Ox.

[35] DNB XVII, 953.

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[36] T. F. Shirley, Thomas Thirlby, Tudor Bishop (London, 1964), pp. 1-2.

[37] DNB, XIX, 615.

[38] Shirley, pp. 7, 9.

[39] Ibid., pp. 12, 18-25, 40-42, 50-94.

[40] Ibid., pp. 40, 105-106.

[41] Ibid., p. 115; DNB, XIX, 616.

Nicholas Heath was born in London and was descended from the Heaths of Apsley in Tamworth. He first attended Corpus Christi College, Oxford, but later transferred to Christ's, Cambridge. Like Thirlby, Heath served as an ambassador of Henry VIII and became a member of his Privy Council. In 1535 he was sent to the princes of the Schmalkaldic League to discuss the possibility of England's joining the League and accepting the Augsburg Confession. On his return, he became the king's Almoner.[44] Also like Thirlby, he was a Henrician bishop, elected to Rochester in 1539, and translated to Worcester in 1543.[45] Heath openly accepted the Edwardian changes in religion, but secretly communicated with Mary Tudor and Reginald Pole regarding the restoration of Catholicism in England. His refusal to accept the Protestant form of ordination brought him imprisonment in 1551, and his refusal to pull down altars cost him his see. He was restored by Mary and soon rose in high favor. He became archbishop of York in 1555, and the following year was named Lord Chancellor. Like Thirlby, Heath was a moderate Catholic, and when Mary died, he stated in parliament that Elizabeth was undoubtedly to be her successor.[46]

Anthony Kitchin was born in 1477 and later became a Benedictine monk of Westminster. He attended Gloucester College and graduated B.D. from Oxford in 1525.[47] Five years later he became abbot of Eynsham, Oxfordshire. As abbot he accepted the royal supremacy as well as the Articles of 1536, and surrendered the abbey and its possessions when the monasteries were dissolved. He afterwards became a chaplain to Henry VIII, and in 1545 was consecrated bishop of Llandaff. As bishop he renounced the supremacy of the pope, but during Mary's reign he assisted in restoring Catholicism, and was responsible for the burning of at least one convicted of heresy. Kitchin was, as we shall see later, the only Marian survivor to take the oath of supremacy under Elizabeth.[48]

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[42] Shirley, pp. 124-134; 154.

[43] DNB, XIX, 617.

[44] Ibid., IX, 345.

[45] Shirley, p. 33; DNB, IX, 345.

[46] Neale, I, 35; DNB, IX, 345.

Owen Oglethorpe was the illegitimate son of Owen Oglethorpe of Newton Kyme near Tadcaster in Yorkshire. He was educated at Magdalen College, Oxford, where he was both Fellow and President before receiving his D.D. in 1536. Because of his many ecclesiastical preferments under Henry VIII, he certainly must have agreed to the changes in that reign. Furthermore, although he disliked the religious changes of Edward VI, he reluctantly accepted them, thereby retaining his post as President of Magdalen until 1552 when the Council took it from him. He received it again when Mary became Queen, but he soon resigned. He was nominated by her to the see of Carlisle, and was consecrated bishop in 1557.[49]

James Turberville was born at Bere in Dorset. His father was John, the son of Sir Robert Turbervyle of Bere and Anderston. James attended

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[47] DNB: "Anthony Kitchin."

[48] Anthony Wood, Athenae Oxonienses, ed., Philip Bliss (London, 1813-1820, new ed.) II, cols. 796-797; DNB; F.O. White, Lives of the Elizabethan Bishops of the Anglican Church (London, 1898), pp. 11-12.

[49] DNB.

Winchester College, but was elected Fellow of New College where he graduated M.A. in 1520, and was registrar from 1521-1524. He resigned his fellowship in 1529 and was afterward appointed to an ecclesiastical benefice. He became rector of Hartfield in Sussex in 1541, and was also made a prebendary of Winchester. There is no evidence that he refused the Henrician reformation, nor do we know of his activities during the reign of Edward VI, but after the accession of Mary, he became bishop of Exeter. Fuller says that as bishop, Turberville restricted persecutions in his diocese.[50]

There is some question as to the family origin of Edmund Bonner.[51] He was educated at Pembroke College, then called Broadgate Hall. Like Thirlby, he concentrated his studies in canon and civil law. He rose to prominence in the affairs of state under Henry VIII, serving as chaplain to Wolsey and conveying important messages to the King and his secretary Gardiner. Also like Thirlby, he was given diplomatic responsibilities. He was sent to the pope at Rome on Henry's behalf concerning the annulment of the King's marriage to Catherine. In 1536 he was in Hamburg to cultivate an agreement between Henry and the Protestants of northern

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[50] DNB; Thomas Fuller, The History of the Worthies of England, ed., P.A. Nuttall (London, 1840), I, 455.

[51] According to the DNB, he was the illegitimate son of George Savage, a rector of Davenham, Cheshire, and Elizabeth Frodsham. Strype questioned this because of information given him by the famous lawyer and baron of the Exchequer, Sir Nicholas Lechmere, who claimed in 1695 that he was the great-grandson of one of Bonner's best friends. According to Sir Nicholas, his great-grandfather had purchased Bonner's birthplace which was at Hanley in Worcestershire, and that Bonner's father was a poor honest man named Bonner. Strype, Annals, I, 144; DNB: "Sir Nicholas Lechmere"; Victoria History of the County of Worcester, ed., J.W. Willis-Bund (London, 1924), IV, 98; Historical Manuscripts Commission, 5th Report, Appendix (London, 1876), p. 299; E.P. Shirley, Hanley and the House of Lechmere (London, 1883) pp. 14ff. I owe these references on Lechmere to Professor David Underdown.

Germany and Denmark. Two years later he was appointed as ambassador to the court of Francis I of France where he made the King angry by his lack of diplomacy. After becoming bishop of London in 1540, he served as ambassador to the emperor during the years 1542 and 1543. Upon the accession of Edward VI to the throne, Bonner refused to recognize the authority of the Council over church and state during a minority. Consequently, he spent a short time in the Fleet and the remaining three years of Edward's reign in the Marshalsea prison. His see was taken from him and given to Ridley. It was restored to him under Mary, and he more than any of the other Marian bishops was responsible for the burning of Protestants at Smithfield. He participated with Thirlby in the degradation of Cranmer, but regarded it as a privilege, whereas Thirlby looked upon it as a difficult task. Bonner was very unpopular until his death, especially in the eyes of many Londoners, and he was not liked at all by Elizabeth. He was, however, a quick-witted and able canonist.[52]

In summary then, four of the Marian survivors in the Parliament of 1559 had been bishops under Henry VIII: Bonner, Heath, Kitchin, and Thirlby. Two of these (Bonner and Thirlby) were canonists and legists. The other six had become bishops during the reign of Mary, and the only Edwardian bishop was Thirlby. Bonner, Pate, Thirlby, and Heath had served in the government of Henry VIII. None of the bishops had served the state under Edward VI, and Thirlby and Heath had held high positions in Mary's government.

The point of special interest to this study is that at least seven of the ten bishops who sat in Elizabeth's first parliament had accepted the Henrician settlement, and at least four of the seven (Scot, Thirlby, Heath, and Oglethorpe) had openly, though reluctantly, accepted the religious changes of Edward VI. In the light of this, could we not perhaps expect the "Henricians" to be more inclined than the "Papalists" to accept a moderate Elizabethan compromise? Might they not show a greater willingness to compromise in the debates on the Supremacy and Uniformity bills?

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[52] DNB: "Edmund Bonner"; Shirley, Thomas Thirlby, pp. 158-159.

## 2. The Parliament of 1559

We turn now to the Parliament of 1559, and the role which the Marian bishops played in it. The death of Mary opened a breach between the bishops and the new Queen, for they were staunch defenders of Roman Catholicism while Elizabeth was not. There was little doubt in anyone's mind that she would veer from the policies which Mary had followed. What was not clear was what direction she would take in making that change. It was also clear that the majority of the bishops would resist any departure from the doctrines of Rome, but Elizabeth must surely have hoped that the moderates such as Tunstal, Heath, and even Thirlby might be retained in any settlement she might attempt. By the summer of 1559, however, when all but one of the bishops had refused to accept even the compromise settlement of Elizabeth, the breach between them and her was beyond repair. In this section we shall trace this development, looking specifically at the attitudes which were shown by the bishops before parliament convened, how and why they resisted the ecclesiastical legislation of parliament, and why even the moderate bishops would not be present in the Parliament of 1563.

### (a) Pre-Parliament Difficulties Between Queen and Bishops

The first real indication of the breach resulting from Mary's death came in a sermon preached by White of Winchester at her funeral.[53] According to John Jewel who had just returned from exile on the continent, it was "a most furious and turbulent discourse" in which White declared that every effort would be made to prevent any religious changes, and that it would be a meritorious act for anyone to kill the returning exiles.[54] What really angered Elizabeth, however, was his comparison of her with Mary concerning their views on ecclesiastical supremacy.[55] White must have been extremely incautious, for the Marquis of Winchester, Lord Treasurer, and even Archbishop Heath of York regarded the sermon as seditious.[56] The Privy Council ordered that he be confined to his house, and a month later he was called before the Council where he was given a "good admonition" and was then released.[57]

A second incident which illustrated the differences between Elizabeth and her bishops occurred on Christmas day when she went to the Royal Chapel in Westminster to celebrate the Feast of the Nativity. The bishop who was prepared to say mass before her was Oglethorpe of Carlisle. The Queen sent word to him not to elevate the sacred host so the people would not be tempted to commit idolatry and asked that the ceremony be omitted. This Oglethorpe refused to do.[58] According to De Feria, the Spanish ambassador, the bishop told Elizabeth that while she was mistress of his goods and life, she was not mistress of his conscience.[59] The Catholic Sanders later recalled that Oglethorpe also replied that whether mass was said or not was up to Elizabeth, but how it was said was his responsibility as bishop, and he did not intend to change the manner of saying it. Therefore as soon as the Gospel was read, she left the Chapel.[60]

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[53] Gee is in error when he says it was Watson, bishop of Lincoln. Henry Gee, The Elizabethan Clergy, and the Settlement of Religion, 1558-1564 (Oxford, 1898), p. 30.

[54] Z.L., I, 7.

[55] Frere, The English Church, p. 12.

[56] Z.L., I, 7.

[57] J.R. Dasent, ed., Acts of the Privy Council of England (London, 1890-1907), VII, new series, 45.

[58] Strype, Annals, I, 50.

A third episode occurred on January 15, the day of Elizabeth's coronation. Since the archbishopric of Canterbury was vacant, the responsibility of performing the coronation ceremony was left to the archbishop of York. However, he refused, as did the rest of the bishops except Oglethorpe, the only one to take part in the ceremony.[61]

Finally on January 24, the day before parliament began its proceedings, the bishops met in Convocation with the lower clergy to determine what course of action they should take concerning any program of religious change that might be attempted. Within several days, the lower clergy had formulated five articles on important Catholic doctrines which they felt should be defended. The first upheld the doctrine of the Real Presence; the second declared the validity of the doctrine of transubstantiation; the third defended the sacrificial mass; the fourth emphasized the Petrine theory of supremacy; the fifth asserted that only the clergy have ever had and should have the authority to define that which belongs to faith, the sacraments, and ecclesiastical discipline.[62]

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[59] Great Britain. Public Record Office. Calendar of Letters and State Papers Relating to English Affairs Preserved Principally in the Archives of Simancas, ed., Martin A.S. Hume (London, 1892), I, 17. Cited hereafter as Span. Cal. Eliz.

[60] Bridgett and Knox, Catholic Hierarchy, p. 65, citing Vatican Ms., 64, 7, 28, f. 260.

[61] Ibid., p. 18, citing Vatican Ms., f. 258.

The articles were exhibited and read in Convocation on February 27, and the bishops promised the clergy that they would be presented to the House of Lords the next day. Several days later, Bonner reported that they had been presented to Nicholas Bacon, the Lord Keeper, who took them but gave no reply. Bonner also said that all except the last article were exhibited in the Upper House by the Lord Keeper.[63]

Meanwhile those exiles returning from Switzerland and Germany were insisting on a complete repudiation of Roman Catholicism, a fact which may go far toward explaining the action taken by Convocation. It was just the day before Convocation met, and the same day that the first session of parliament began, that Richard Cox, one of the exiles, was called upon to preach the sermon at Westminster. According to Il Schifanoya, the Mantuan ambassador in London, the usual ceremony of the mass was dispensed with since it had been performed at an earlier hour, but without any elevation of the host. Upon entering the Abbey, Elizabeth met the abbot in his pontifical dress and the monks who were carrying lighted torches. When she saw the torches she told them to dispense with them for she could see well enough. Cox then delivered a furious attack on the Catholic clergy, declaring that the blood of Marian martyrs was upon their heads. He called upon Elizabeth to show no mercy on them, for God had placed her on the throne to avenge the blood of the saints and to abolish all Roman priests. He urged that all images be destroyed and every trace of idolatry and superstition be removed.[64]

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[62] Strype, Annals, I, 56; See also David Wilkins, ed., Concilia Magnae Britanniae (London, 1739), IV, 179-180.

[63] Strype, Annals, I, 56.

Such was the background against which Elizabeth's first parliament met. On the opening day the bishops heard Sir Nicholas Bacon announce that the main purpose of parliament was to enhance the honor and glory of God by a religious settlement. Would the spiritual lords stand any chance of preventing such a settlement? On the one hand they would definitely be in the minority in the Upper House. Including the abbot of Westminster and the prior of St. John, the greatest possible number of lords spiritual would be eleven, whereas the maximum number of spiritual lords would be sixty-one excluding Sir Nicholas Bacon.[65] This would mean that the bishops would either have to acquire the support of a good number of temporal lords or else the number of temporal lords would have to be small when the voting was done on crucial ecclesiastical legislation. A combination of both of these factors would be needed if the spiritual lords were not to be outvoted. On the other hand, the bishops were professionals from the universities, and some had legal training as well as previous experience in debate. We know that the Protestants did not regard the bishops lightly, for John Jewel wrote to his friend Peter Martyr on March 20, that the bishops were a great hindrance because they were among the nobility and leading men in the Upper House who "reign as sole monarchs in the midst of ignorant and weak men."[66]

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[64] Great Britain. Public Record Office. Calendar of State Papers and Manuscripts Relating to English Affairs, Existing in the Archives and Collections of Venice, eds. Rawdon Brown and G.C. Bentinck (London, 1890), VII, 23. Cited hereafter as Cal. S. P. Venetian.

[65] L.J., I, 544-545; However, since the prior was not present in parliament, there were never more than ten spiritual lords.

[66] Z.L., I, 10.

### (b) Issues in Parliament Which the Bishops Faced

What then were the issues which the bishops were to face in the Parliament of 1559? These can be divided into three separate categories: those which the bishops certainly opposed, but did not have to vote against because the bills never reached the voting stage; those which the spiritual lords accepted; and those which they voted against.

The first category will be examined very briefly since nothing came of those bills. There were four of them, all of which had their origin in the Commons, and all of which were concerned with ecclesiastical matters. The first was intended to eliminate all penalties for not accepting Catholicism during the reign of Mary. It received only one reading in the Upper House on March 20.[67] The second was intended to revive the commission which had been appointed in the reign of Henry VIII, and continued during the reign of Edward VI, to replace the Catholic canon law with a new body of reformed ecclesiastical law. It too received no more than one reading by the lords.[68] The third bill sought to restore the church calendar of the Prayer Book of 1552. While it managed to get two readings from the lords on April 14 and 15, it was not heard of again.[69] The fourth bill would have permitted Elizabeth to restore persons who had been deprived for marriage or heresy during the reign of Mary.[70] It was given three readings in the lords on May 5, but was afterward rejected.[71] What caused these bills to stick in the Upper House? Was it the arguments of the bishops against them? We would surely assume that the bishops were opposed to them, but there is probably a more important reason. It is inconceivable to believe that these were government bills, for they contradicted Elizabeth's policy of moderation in religious change. They were most likely inspired by Protestants in the Lower House. It was therefore doubtless that the lords halted these bills at the instruction of the Court.[72]

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[67] L.J., I, 566; D'Ewes, p. 25.

[68] Neale, I, 63; L.J., I, 568. It was read on March 22.

[69] Carl S. Meyer, Elizabeth I and the Religious Settlement of 1559 (St. Louis, 1960), p. 43; D'Ewes, p. 27.

[70] See Neale, I, 73, for the background of this bill in the Commons.

There is also a bill which falls neither in the first nor third category which passed both Houses, but was vetoed by Elizabeth at the close of parliament. This was a bill giving the Queen the right to appoint bishops to vacant sees, and to determine what rites should be used in doing so. It also originated in the Commons, and after its passage on March 22, it went up to the lords where it was passed after the third reading.[73] While there is no mention of dissent by the bishops, they would probably have not found the bill acceptable.

We turn then to the second category--those bills which the bishops were willing to accept. There were four of them and several things can be said about them. First, they constituted what Neale called "the secular side of the Elizabethan establishment."[74] Second, they were all official bills introduced in the House of Lords, and enacted into statutes.

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[71] See the transcript by Robert Bowyer, Clerk of the Parliaments from 1609-1625, published by Miss E. Jeffries Davis in her article, "An Unpublished Manuscript of the Lords' Journals for April and May 1559," English Historical Review, XXVIII, 1913, 541. Cf. D'Ewes, p. 31 who is in error by saying the bill was passed. We do not know who voted for or against it.

[72] Neale, I, 63-64, 67, 73.

[73] D'Ewes says it was passed on March 24 (p. 52), but the printed Journal records only the first reading on the 22nd, L.J., I, 568; Neale, I, 82, n. gives the date as the 23rd, citing B.M. Stowe MS. 357, fol. 50b.

The first was a bill recognizing the Queen's title to the throne. It was given its first reading on February 1, and was passed with universal acceptance on the 9th.[75] The second was a bill which declared certain offenses as treason. It was passed by the lords on February 11, and was then sent to the Commons. It was back in the Lords on March 3, and was submitted to a committee consisting of Bishops Scot of Chester, Oglethorpe of Carlisle, and four other peers to discuss with the Commons a proviso to be included. Final passage came in the Lords on the 13th--again with no opposition.[76] The third bill dealt with slanderous and seditious words. After its first reading by the lords on the 9th of February, it was read, committed, and engrossed on the following day, and passed with no dissent after a third reading on the 11th.[77] The purpose of the fourth bill in this category was to restore Elizabeth as the legal heir to her mother. This bill was read, committed, and engrossed by the lords on February 10, and was passed with the common consent of all the lords on the 15th.[78] The willingness of the bishops to accept this legislation shows that they were ready to support Crown policy as long as they did not have to violate their consciences. But once they were forced to decide between two loyalties, they would choose the higher one--God and conscience.

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[74] Neale, I, 45.

[75] D'Ewes, pp. 18, 19; L.J., I, 545, 546.

[76] L.J., I, 548, 557, 563.

[77] Ibid., 546, 547, 548.

[78] Ibid., 547, 549; D'Ewes says it was passed on the 13th (p. 20), a possible error in transcription.

This brings us then to the third and largest category of issues the bishops would face in the Parliament of 1559--those which they could not accept, and some of which they would do their best to keep parliament from accepting. They consisted of the following: (1) A bill to restore first-fruits and tenths to the Crown; (2) A bill to restore lands of certain bishoprics to persons who had received them by letters patent of Edward VI; (3) A bill to ratify the Duke of Norfolk's marriage; (4) A bill permitting the Crown to exchange bishops' lands for parsonages impropriate and tithes; (5) A bill permitting the Queen to annex religious houses; (6) Three Supremacy bills; (7) The Uniformity bill. The first three bills were decided by the lords in the pre-Easter session while the last four, except for the First and Second Supremacy bills, came after the Easter recess.

The "bill for the restitution and annexation of first-fruits and tenths" was introduced in the Upper House, and was the first bill to be read by the lords. Its purpose was to restore to the Crown the ecclesiastical first-fruits and tenths which Henry VIII had transferred from the pope to himself, and which Mary had then returned to the Church. It was first read on January 30, and after its third reading without being committed, it was passed on February 4. On this occasion D'Ewes gives us a glimpse into the procedure of voting. When the bill was put to the question, the Lord Keeper demanded that all those who thought the bill should pass should say "content." The voting began with the lowest baron and ascended in precedence to the highest, each saying nothing more than "content." Next came the bishops' votes beginning with the puisne bishop, Oglethorpe of Carlisle, followed by Scot of Chester, Turberville of Exeter, Baynes of Coventry and Lichfield, Kitchin of Llandaff, Pate of Worcester, Bonner of London, and Heath of York. Each of the prelates said "not content" because they opposed the bill. The votes of the remaining temporal lords followed those of the bishops beginning with the lowest and ending with the highest, each one saying "content." When all the votes had been taken, those who had approved the bill stood up, beginning with all the barons and followed by all the earls and the rest of the temporal lords. Then the archbishop of York and all the bishops stood up, and since the majority of the votes were in the affirmative, the bill was passed.[79]

The bill was sent to the Commons, and when it came back to the Upper House it was passed on March 15, after its third reading. Again the bishops voted against it, and were joined by the abbot of Westminster.[80] The bill was then sent back to the Commons, and they again returned it to the lords where it was given its final passage on March 22. No record of dissent was made by the Clerk.[81]

The "bill for assurance of lands, late parcel of the bishopric of Winchester, to divers patentees of King Edward VI" was given its first reading on March 18. It had been in the Lower House ever since February 15, and during that time Bishop White of Winchester was having trouble with the Commons in defending his right to the lands of his see.[82] The bill was read a second time by the lords on March 21, and was passed after the third reading on the next day. When the vote was taken, the Marquis of Winchester, Lord Treasurer, and Lords Stafford, Dudley, and North joined the abbot of Westminster and all nine of the bishops in dissenting the bill. However, they were outvoted by the other twenty-three peers.[83]

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[79] L.J., I, 544-546; D'Ewes, pp. 17-19. The printed Journal shows that White of Winchester also voted against the bill, which would make a majority vote by the temporal lords of 38 to 9, p. 546.

[80] Both D'Ewes (p. 23) and the Lords Journal, I, 563, show that Bonner's vote was not included, yet the Clerk marked him present. If he was absent, as he must have been, the bishops and abbot were outvoted 30 to 9.

[81] D'Ewes, p. 25; L.J., I, 568.

A similar bill confirming the grant of certain lands of the bishopric of London to Lords Wentworth, Rich, and Darcy was brought from the Commons to the lords where it was given a first reading on March 7, a second on the 8th, and a third on the 9th, after which it was passed. According to the Journal, the only bishop joining Bonner of London in voting against the bill was Kitchin of Llandaff, but he also had the support of the abbot of Westminster. None of the other twenty-eight peers dissented.[84] According to D'Ewes, Bonner had framed a counter bill confirming his lands before the other one entered the Upper House. His bill passed the Lower House on April 15, but when it was given a third reading in the lords on May 1, it was rejected.[85] Two other bishops, Pate of Worcester, and Baynes of Coventry and Lichfield were having similar problems concerning certain lands of their sees.[86]

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[82] For an account of White's defense of his lands in the Lower House, see D'Ewes, pp. 47-49, 50-52.

[83] L.J., I, 567, 568; D'Ewes, p. 25.

[84] L.J., I, 559-561.

[85] D'Ewes, p. 49, 54; L.J., I, 577. The Journal does not indicate who voted for or against the bill. See D'Ewes (p. 51) for Bonner's appearance before the Lower House.

[86] See D'Ewes (pp. 50-51) for their appearances in the House of Commons.

The third bill which the bishops resisted in the pre-Easter session was "for ratification of the marriage between the Duke of Norfolk and the Lady Margaret now his wife, and for the assurance of certain lands for her jointure." After coming from the Commons, it was given three readings in the lords on March 21; when the vote was taken, the six bishops present and the abbot of Westminster dissented, while the other twenty-five peers voted for its acceptance.[87]

The first bill which the bishops opposed after the Easter recess was one which gave Elizabeth the right during vacancies to exchange parsonages impropriate and tithes for an equivalent value of the temporal possessions of archbishops and bishoprics. It was an official bill, and introduced into the House of Lords.[88] It received its first reading on April 4, its second on the following day, and its third on the 7th at which time it was passed. All eight of the spiritual lords including the abbot of Westminster dissented, and not one of the twenty-two temporal lords joined them in opposing the bill.[89] Ten days later the Commons also passed it by a vote of 134 to 90.[90]

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[87] D'Ewes, p. 25; L.J., I, 566, 567. The two missing bishops were Pate of Worcester and Baynes of Coventry and Lichfield.

[88] Neale, I, 74.

[89] L.J., I, 570, 571; D'Ewes, pp. 26, 27. Kitchin of Llandaff was absent, and White of Winchester was not present at all after Easter because of the Council's action against him during the recess. This left only eight bishops until Thirlby of Ely returned from the continent. D'Ewes says the bill was passed on April 6, but both the printed Journal and Bowyer's transcript show that it was the 7th. L.J., I, 571, and Davis, loc. cit., p. 535.

[90] Great Britain, Parliament. Journals of the House of Commons (London, 1800-), I, 59, 60. Cited hereafter as C. J.; D'Ewes, p. 54. Strype is in error when he says that 104 voted for the bill. Annals, I, 67.

It is not difficult to understand why the bishops opposed such a bill, for a number of the bishoprics were already vacant, and more were soon to be. It meant that the Queen and her courtiers could choose the best houses, lands, and revenues of the vacant sees. The parsonages impropriate given in return would include many parsonages which had formerly belonged to the monasteries, the chancels and houses of which were in a state of decay and ruin. The tithes which were to be given in exchange would have to be collected from clergy who frequently would either refuse, or else were unable to pay them.[91] It was therefore only natural that those soon to be Elizabeth's new bishops were also unhappy with the bill, and would later do their utmost to persuade her to not exchange their lands.

A somewhat similar bill, and the last one which the spiritual lords tried to block, was a bill which would annex certain religious houses to the Crown, reform certain abuses in chantries, and dissolve monasteries which had been re-erected by Mary. It came from the Commons on April 29, after it had been passed there. The first two readings were given by the lords on May 2 and 3, and two days later the bill was read a third time and passed. The only temporal lord who dissented with the nine bishops and the abbot of Westminster was Viscount Montague, a staunch Roman Catholic, who had in most instances voted against the same measures they did.[92]

This brings us then to the two major bills of the Parliament of 1559--

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[91] Strype, Annals, I, 96, 97.

[92] C.J., I, 60, 61; EHR, XXVIII, 541; D'Ewes, pp. 30, 31. The printed Journal is blank during this time. Thirlby of Ely was present to make the ninth bishop.

the Supremacy bill and the Uniformity bill. As was pointed out earlier, the Supremacy bill in its final form was the product of three distinct bills. The first two came in the pre-Easter session, and the final one was passed after the Easter recess. The first was introduced into the Lower House on February 9 as a government bill. Its purpose was to restore the supremacy of the Church to the Crown as it had been at the death of Henry VIII. The committee to which the bill was submitted modified it so drastically that when it was returned to the House, it was in reality a new bill--the Second Supremacy bill. Neale is quite certain that the amendments included clauses which would restore the Church as it had been at the death of Edward VI rather than as at the death of Henry VIII as the original bill intended. If so, the new bill would have provided for the restoration of Edward VI's Second Act of Uniformity, the Protestant Prayer Book of 1552, and the marriage of the clergy.[93]

The Second Supremacy bill came before the Upper House on February 27, and was given its first reading on the next day under the title, "the bill for the restoring of the supremacy to the imperial Crown of this realm, and repealing divers acts of parliament made to the contrary."[94] It was not read again by the lords until March 13, at which time it was committed to Bishops Oglethorpe of Carlisle and Turberville of Exeter.[95] According to Il Schifanoya, the two bishops and their Catholic friends carried on "great altercations and disputes." At the same time the Protestants at the Court were, according to the ambassador, trying their best to win over the Queen and people by declaring that the pope had no authority in England.[96] This was verified by Richard Cox himself when he admitted that he and others were "thundering forth" in their pulpits, and especially before the Queen, that the pope was anti-Christ, and that Catholic tradition was for the most part mere blasphemy.[97]

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[93] C. J., I, 54; Neale, I, 59-61.

[94] L. J., I, 555.

[95] *Ibid.*, 563; D'Ewes, p. 23.

While the bill was in committee, it was again altered. It would appear that the committee removed the clauses which the Commons committee had inserted so that the bill was restored very near to what it had been when it was first introduced into the Lower House. Neale says a clause may have been added giving Elizabeth the choice of accepting or rejecting the title of Supreme Head of the Church.[98] The bill consequently had a much less Protestant tone than the one which had come from the Commons. It was given its first reading on March 15, and its second on the 17th.[99]

Between the second and third reading of the bill, Bishop Scot of Chester delivered the first of several speeches made by spiritual lords in this parliament.[100] Before speaking against the bill, Scot admitted that he was somewhat reluctant to speak because Elizabeth was a party to the bill and he owed her his obedience. He also expressed his appreciation to the lords' committee for refusing to accept the provisions of the Second Supremacy bill which had come to them from the Commons, but he was still not satisfied with what the lords' committee had done.

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[96] Cal. S. P. Venetian, VII, 46.

[97] Z.L., I, 27.

[98] Neale, I, 65.

[99] L.J., I, 563, 564.

[100] Scot's speech is printed in Strype, Annals, I, app. vii, 12-19. Since Scot's speech is not dated, we cannot be sure which day it was delivered. Neale, I, 65, says it was presumably on March 17, whereas Meyer, p. 115, thinks that Archbishop Heath's speech came first.

Scot said there were two things which prevented him from keeping quiet on the question of royal supremacy--his obligation to God and to his conscience. Then he proceeded to explain why even the Second Supremacy bill as altered by the lords was unacceptable. First, it would mean removing papal authority which could only result in disunity within the Church. Second, the keys of the kingdom of Heaven had never been given to any temporal ruler. Third, none of the other European rulers claimed royal supremacy over the Church. Fourth, according to scripture, kings have only two major responsibilities--to judge their subjects, and to defend their kingdoms. The bishop of Chester ended his speech by reminding the peers that Catholicism had a far longer history than the recent Protestant movement. Judging by the length of his speech, it must have taken up most of the sitting. It would therefore seem that Scot was using a political tactic to keep those who favored the bill from having a chance to speak. At the same time, he, along with the archbishop of York, whose speech will be noticed next, provided the basic arguments for those who would be called upon to defend papal supremacy.

The bill as amended by the lords' committee was given a third reading in the Upper House on March 18, and was passed by a vote of thirty-three to twelve. Those joining the nine bishops and the abbot in opposing the bill were the Earl of Shrewsbury and Viscount Montague.[101]

According to Neale, it was probably at this time that Archbishop Heath of York delivered his speech against the Second Supremacy bill.[102]

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[101] L.J., I, 565; D'Ewes, pp. 23, 24.

[102] Neale, I, 65. Strype says it was on February 21, but this could not possibly be correct because the Second Supremacy bill was not read in the Upper House until the 25th. Heath's speech is printed in Strype, Annals, I, app. vi, 7-12.

The speech was divided into two parts. The first part dealt with the consequences of abandoning papal supremacy, and the second concerned the type of supremacy the Queen would have if the bill was enacted. After admitting the short-comings of Pope Paul IV, Heath discussed four reasons why rejecting papal supremacy would not be advisable. First, it would mean the forsaking of the general church councils, all of which recognized the supremacy of the pope. Second, it would mean the rejection of the canon laws which were dependent on the pope. Third, it would violate the judgment of all Christian rulers, Protestant and Catholic, since Henry VIII was the first king ever to assume the title of Supreme Head of the Church. Fourth, it would invite "schism, sects, and divisions" within the Church, a danger which he urged the lords to consider seriously before passing such a bill.

In the second part of his speech, Heath criticized the phrase "Supreme Head of the Church of England, immediate and next under God" which was in the bill. His entire argument centered on the fact that as Supreme Head of the Church, Elizabeth would have powers which belonged only to the pope: the right to the keys of the kingdom of Heaven, the power of binding and loosing which Christ had granted to Peter, and the authority to shepherd the flock. How, asked Heath, could Elizabeth carry out such responsibilities when, according to the scripture, women are to keep silent in the Church? Leaving this question for the lords to ponder, he concluded his speech, but not before paying tribute to the Queen as the most humble, virtuous, and godly mistress England ever had. Did the archbishop really believe that Elizabeth would insist on such responsibilities as administering the sacraments, excommunication, and doctrinal instruction? Had he not accepted the Act of Supremacy under

Henry VIII, an Act which did not give the king such powers? Certainly his argument was not very convincing to many in the House. It would seem that he was more concerned about retaining papal supremacy over the Church than that Elizabeth would take all spiritual authority unto herself.

The Second Supremacy bill as amended by the lords went back to the Commons on March 18, the same day the lords passed it. After its acceptance by the Lower House on March 22, the bill came back to the lords and was given its final passage the same day. Again all ten of the spiritual lords tried to stop the bill, but they were outnumbered by all twenty-seven of the temporal lords present.[103] The bill, which gave Elizabeth the title of "Supreme Head of the Church"[104] was now ready for the Queen's assent. However, there would be still another bill before there was an Act of Supremacy.

Instead of ending parliament before Easter as she had planned, Elizabeth adjourned it until April 3--a change of mind which, according to Neale, "altered the pattern of the Elizabethan religious settlement," for it meant that not only would her first parliament provide an Act of Supremacy, but also an Act of Uniformity.[105] Neale says Elizabeth changed her mind for three main reasons: (1) The united opposition of the bishops in the House of Lords who had forced her to pay more attention to the Protestant divines who had been in exile; (2) The concerted demands of the Protestant divines on both the House of Commons and the Court; (3) The news of the signing of the peace treaty of Câteau-Cambrésis with France.[106] The Spanish ambassador, Count de Feria, was certain that the latter was the main reason for the Queen's decision.[107]

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[103] C.J., I, 58; D'Ewes, pp. 26, 52; L.J., I, 567-568. The Lords' Journal shows that all nine bishops dissented, whereas D'Ewes shows only eight with Pate of Worcester missing.

[104] Cal. S. P. Venetian, VII, 66.

[105] Neale, I, 69. Neale believes the Queen changed her mind either during the night of March 23-24, or between 9 a.m. and 1 p.m. on Good Friday, the 24th.

We come then to the Third Supremacy bill of this parliament. It was a government measure introduced into the Lower House. The reason for the bill, according to Neale, was the Queen's decision to take the title of Supreme Governor rather than Supreme Head.[108] After it passed the Commons on April 13, it was given its first reading in the Lords on the 15th under the title, "The bill for restoring to the Crown the ancient jurisdiction over the state ecclesiastical and spiritual, and for abolishing all foreign power repugnant to the same."[109] On the 17th it was submitted, after its second reading, to a committee of fifteen lords including Bishop Oglethorpe of Carlisle, and Thirlby of Ely who had just returned from the continent to join his fellow bishops in the Upper House.[110] Since Thirlby now filled the vacancy left by White of Winchester, the number of potential votes from the bishops' bench was again nine. The committee added a proviso which stated that the ecclesiastical commissioners provided for in the bill should not define heresy in any novel manner. This proviso was read twice on the 25th.[111] On its third reading the next day, it was passed in spite of the dissenting votes of all nine of the bishops, the abbot of Westminster, and Viscount Montague.[112]

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[106] Ibid., 70. See also Neale's article, "The Elizabethan Acts of Supremacy and Uniformity," EHR, LXV (1950), 304-332.

[107] Span. Cal. Eliz., I, 43.

[108] Neale, I, 75.

[109] C.J., I, 59; Since the Lords' Journal shows no sitting on April 14 and 15, we are here dependent on D'Ewes' transcript (p. 27) and on Bowyer's transcript published by Davis in her article already referred to, "An Unpublished Manuscript of the Lords' Journals," EHR, XXVIII, ~~536~~.

[110] L.J., I, 574; D'Ewes, p. 27. Frere says that after the second reading by the lords, Archbishop Heath of York delivered another speech, but it has not been preserved. Frere, The English Church, p. 26.

When the bill was returned by the Commons, it contained an amendment which stated that heresy would be defined as the Lower House chose, and a proviso which declared that no future action by parliament should be regarded as heretical.[113] Frere says that when the bill with the new proviso was returned to the lords, Bishop Thirlby of Ely raised fresh opposition against it.[114] However, when the final voting was done after the final reading of the proviso on April 29, the Journal does not indicate that there were any dissenting votes cast. D'Ewes surmised that either the Clerk had made a mistake, or else the bishops decided not to oppose the bill again because of their futile attempts at stopping it on the 26th.[115] His first suggestion is probably the correct one. This then was the bill to which Elizabeth gave her assent on May 8.[116] No longer did it designate

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[111] Here again we are dependent on the transcripts of Bowyer and D'Ewes, for the Lords' Journal omits the proceedings between April 22 and May 1. See Davis, loc. cit., p. 537, and D'Ewes, p. 28. Neale, I, 75.

[112] D'Ewes says one of the dissenting bishops was the bishop of "Oxon." This could not have been possible since the diocese of Oxford was still vacant. Miss Davis has shown that this was a transcription error, for she says that Bowyer's transcript clearly shows that the initial letter is E rather than O. Davis, loc. cit., p. 537; D'Ewes, p. 28. We are not told how many temporal lords were present.

[113] Davis, loc. cit., p. 539; D'Ewes, p. 28; Neale, I, 75.

[114] Frere, p. 26.

[115] D'Ewes, p. 28; Davis, loc. cit., p. 539.

[116] L.J., I, 571 gives the titles of bills that were enacted at the end of the session, but the correct title of the Third Supremacy bill is missing. F.W. Maitland, in his article, "Elizabethan Gleanings," EHR, XVIII (1903), 517, says that the Clerk was confused by the number of Supremacy bills, for in the original journal which he saw, the Clerk had struck out the right title with his pen.

Elizabeth as the Supreme Head of the Church, but rather "the only Supreme Governor." The Act of Supremacy repealed Mary's act of repeal, and revived eight acts of Henry VIII concerning his break with Rome. It gave Elizabeth authority to establish reform within the Church, and the power to appoint a commission to carry out the provisions of the Act. It also provided that every spiritual and temporal officer in the realm be required to take an oath which recognized the supremacy of the Queen. Any refusal to do so would mean deprivation.[117] Thus parliament had again established the royal supremacy and repudiated the Roman pontiff despite the united opposition of the bishops. All that was yet needed to complete the religious settlement was an Act of Uniformity.

Like the Supremacy bill, the Uniformity bill had been drafted before Easter. It is first heard of on February 16, when it was given its first reading in the Commons.[118] It was then dropped until April 18, when the bill under a slightly different title was again given its first reading. After its passage on the 20th, it came before the lords five days later under the title, "An Act for the Uniformity of Common Prayer and Service in the Church, and the Administration of the Sacraments." The next day it was given its first reading, and on the 27th, it was read a second time and debated.[119]

During the debate, the first of three speeches by lords spiritual was delivered by the abbot of Westminster, Feckenham.[120] It was an argument for retaining what he called "the true religion of God" rather than Protestantism, "the counterfeit." He gave three reasons for his assumption: (1) the longevity of Catholicism in contrast to Protestantism; (2) the disagreement among Protestants on points of doctrine; (3) the tranquillity within the realm resulting from Catholicism. It was here that he made the drastic mistake of comparing the "orderly" conditions of the realm in Mary's reign with the turbulence of Elizabeth's reign. It is little wonder that this was the last parliament in which he or any other abbot would participate! It was, as he said, an oration "so tedious and long" that the bishops themselves must have been squirming in their seats before he was finished, not only because of its length but also because it contained so many inaccuracies and false statements even about such things as the contents of the Edwardian Prayer Books which even the lay peers would have been familiar with. John Jewel reported the same day that the abbot had "placed the Nazarites, the prophets, nay even Christ himself and his apostles, in the monastic orders!"[121]

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[117] Statutes, IV, pt. 1, 350-355. [118] C.J., I, 54.

[119] Ibid., 60; D'Ewes, pp. 28, 54, 55; Davis, loc. cit., pp. 537-538.

[120] The abbot's speech is printed in Strype, Annals, I, app. ix, 24-27.

The next day, being April 28, the Uniformity bill was read the third time,[122] after which another speech was made by Bishop Scot of Chester. Needless to say, it was much weightier and much more convincing than that of the abbot's.[123] In the first part of his speech, he dealt with the bill, while in the second part he criticized the Prayer Book which the bill would provide. First, he warned, the bill would break the unity of the Church. Second, such a bill could come only from the clergy because parliament had no right whatsoever to meddle in religious matters since neither M.P.'s nor lords temporal were competent enough to make judgments on such matters. This was undoubtedly the strongest part of his speech, for it sounded very similar to statements which Elizabeth would later make to parliament in defining her royal prerogative. The important difference was that Scot maintained that religious matters should be handled by the clergy alone, and not by laymen including the Queen. Before turning to the Prayer Book, he emphasized the fact that the bill was "not a money matter, but a matter of inheritance touching life and death."

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[121] Z.L., I, 20. [122] D'Ewes, p. 28; Davis, loc. cit., p. 538.

[123] Scot's speech is printed in Strype, Annals, I, app. x, 27-33.

Scot's main criticism of the Prayer Book which would result from the Uniformity bill was that it would wreck the sacramental system of the Church, for if there was no external sacrifice, there could be no priesthood, and if there was no priesthood, there could be no religion. He called attention to the difference between the views of Zwingli and Luther, saying that of the two, the Lutheran doctrine was more sound because it recognized that Christ's body is present in the sacrament. Before ending his speech, Scot again turned to the bill itself, and warned, "If you pass this bill, you shall not only in my judgment err yourselves, but ye also shall be the authors and causers that the whole realm shall err after you. For the which you shall make an account before God."

When Scot had finished speaking, the bill was voted upon. Despite

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[124] The temporal lords were the Marquis of Winchester, the Duke of Salisbury, Viscount Montague, and Lords Morley, Stafford, Dudley, Wharton, Rich, and North. D'Ewes, p. 28; Davis, loc. cit., p. 538. Abbot Feckenham was not recorded as one of the dissenters. Either he was absent on this day, or else the Clerk neglected to record his vote. He surely would have dissented since he had spoken against the bill the day before.

the fact that nine temporal lords joined the nine bishops in dissent, the bill was passed by the narrow margin of three votes.[124] Montague was the only Catholic among the nine who joined the bishops in opposing the bill; the reason for the other eight's dissent was probably that they supported the Queen's preference for the Prayer Book of 1549 rather than the compromise Prayer Book of 1552 which the Protestant divines had forced her to accept.[125]

The third speech against the Uniformity bill was given by Thirlby of Ely, one whom Elizabeth had hoped she could retain as a bishop. Apparently Thirlby's speech came the day after the lords passed the bill, for de Feria, the Spanish ambassador reported on the 29th: "The bishop of Ely has spoken in parliament today very well and like a good Catholic, saying that he will die rather than consent to a change of religion."[126] "I am determined," Thirlby had said, "to shun for the future every inordinate course, and to keep inviolate the faith of the Catholic Church and of my predecessors."[127] If de Feria had the date of the speech correct, it seems that Thirlby was announcing publicly for himself and the other bishops (except Kitchin) that they would not abide by any Act of Supremacy or Uniformity.

We return therefore to the question which was raised earlier in this chapter: Were the "Henricians" any more willing to compromise on the Supremacy and Uniformity bills than the other bishops? As far as we can tell, the answer is in the negative. In order to determine why, we will discuss as an example the position of one who was probably the most likely to accept the religious settlement since he had accepted the changes of both Henry VIII and Edward VI--Cuthbert Tunstal of Durham. As we have seen, he was excused from parliament by the Queen, and therefore did not take part in the debates.

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[125] Neale, I, 80. [126] Span. Cal. Eliz., I, 64.

[127] Catholic Record Society, Miscellanea, I, (1905), 38-39.

First of all, it would seem that Tunstal might have accepted the Act of Supremacy since, unlike Scot or even Heath, he did not think that the papacy owed its position to divine appointment, but rather to mundane considerations. According to him the primacy of the papacy ceased soon after 1000 A.D.[128] Likewise, it seems that Tunstal might have been willing to accept Elizabeth's compromise Act of Uniformity since he did not believe that the doctrine of transubstantiation should be a test for heresy.[129]

Why then was the bishop of Durham willing to be deprived rather than accept the settlement? The answer lies in his theory of royal supremacy. When Cardinal Pole refused the Henrician claim of supremacy, Tunstal wrote to Pole telling him that he was wrong in supposing that Henry intended to separate the Church of England from the rest of Christendom, and take on responsibilities which belonged only to the priesthood. Instead, Henry intended to preserve the unity between the Catholic Church and the realm, to keep the Church free from foreign captivity, and to abolish the usurpation of the realm by the papacy.[130] In short, Tunstal was defending the royal supremacy on the assumption that Catholic faith and discipline could remain intact. When it became clear that

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[128] Sturge, Tunstal, p. 208.

[129] V.J.K. Brook, A Life of Archbishop Parker (Oxford, 1962), p. 70.

[130] Bridgett and Knox, The Catholic Hierarchy, pp. 52-53.

Elizabeth would not be a Catholic and that she would deprive the bishops by the authority of acts which the bishops had no part in passing, he could not accept the settlement. Furthermore, when Tunstal saw the destruction of altars, the defacing of churches, and the abolition of crucifixes during the London visitation, he wrote to Cecil on August 19, 1559, that he could not consent to these developments in his diocese because he would never permit any doctrine there but Catholicism as long as he was bishop.[131] The breach between Tunstal and Elizabeth was therefore beyond repair, as it was for all but one of the other bishops.

A look back at the Parliament of 1559 will show that the bishops tried to block the passing of bills on nine different occasions. Four of the nine times not one temporal lord supported them. The only temporal lord who dissented more than twice with them was the staunch Catholic Viscount Montague, who opposed the Second and Third Supremacy bills, the Uniformity bill, and the bill uniting religious houses to the Crown. The bishops received the most support on the all-important Uniformity bill where nine other lords voted against it. Of the Supremacy bills, however, only two opposed the second and only one (Montague) rejected the third. When parliament was dissolved on May 8, all but one[132] of the bills that had passed both Houses received the

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[131] Ibid., pp. 56-57, citing S. P. Dom. Eliz., VI, 22.

[132] This was a bill "that the Queen's highness shall collate or appoint bishops in bishoprics being vacant and with what rites and ceremonies." It had its final passage in the Lords on March 23. L.J., I, 568; D'Ewes, p. 26. D'Ewes evidently made a mistake in his transcription, for he uses "and without rites . . ." in the title. Meyer, The Elizabethan Settlement, p. 44, says the bill was passed by the Lords on the 24th, but this does not agree with either D'Ewes or the Lords' Journal.

the royal assent including the Uniformity bill which several persons at the Court tried to persuade Elizabeth to veto at the last minute.[133]

At the beginning of parliament, the bishops had appeared to be quite formidable, especially to the Protestant divines who had been in exile during Mary's reign. Their fear that the bishops might have their way seems to have continued throughout the parliament in spite of the fact that they were often voted down. Even after the Westminster disputation held during the Easter recess between the Catholics and Protestants where the Catholics, including four of the bishops, refused to cooperate and therefore seemed to lose the debate, Cox reported that the bishops "always appeared to gain the victory" in the Upper House because there were only a few who dared to "open their mouths against them."[134]

It would appear from such statements that the bishops sounded impressive during the debate and discussion of bills, and that not very many of the temporal lords wished to become involved in theological argument with them. However, when the bill was put to the question, all a lord had to do was merely voice his desire for or against it. He did not have to explain why. It was at this most decisive moment in dealing with bills that it became apparent that the persuasive powers of the bishops were not sufficient to swing many of the votes over to their side. The bishops had tried long and hard to preserve the status quo, but as Frere summed it up, their attempts "represented only the last remains of a spent reaction or the twilight of a day that was over."[135]

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[133] Correspondence of Matthew Parker (ed. John Bruce and Thomas Perowne, Cambridge, 1853), pp. 65-66.

[134] Z.L., I, 10.

[135] Frere, The English Church, p. 29.

# CHAPTER III

# THE NARROWING OF THE BREACH

## 1. The New Bishops (1559-1563)

By the time parliament met again on January 12, 1563, the bench of bishops had entirely changed. Following the dissolution of the Parliament of 1559, all of the Marian bishops except Kitchin of Llandaff were deprived of their offices for refusing to take the oath of supremacy.[1] Before the year was out, four of them were dead: Tunstal of Durham, Baynes of Coventry and Lichfield, Morgan of St. David's, and Oglethorpe of Carlisle. White of Winchester died in January of 1560. All of the others were imprisoned at some time or other between 1560 and 1563 except Goldwell of St. Asaph who fled to the continent, Pole of Peterborough who was forced to stay within a three-mile radius of London, and Kitchin of Llandaff.[2]

Elizabeth immediately began replacing Mary's bishops with her own. The first two to be consecrated on December 20, 1559, were the only ones who had been bishops before Mary's reign. William Barlow, who had been bishop of St. David's as well as Bath and Wells under Henry VIII, was consecrated bishop of Chichester. John Scory, who had been bishop of Rochester and Chichester under Edward VI, became bishop of Hereford. The next day, December 21, five more were consecrated: Matthew Parker to the archbishopric of Canterbury, Edmund Grindal to London, Richard Cox to Ely, Rowland Meyrick to Bangor, and Edwin Sandys to Worcester. The next four were consecrated on January 21, 1560: Nicholas Bullingham to Lincoln, John Jewel to Salisbury, Thomas Young to St. David's, and Richard Davies to St. Asaph. On March 24, three more sees were occupied: Rochester by Edmund Guest, Bath and Wells by Gilbert Berkeley, and Lichfield and Coventry by Thomas Bentham. William Alley became bishop of Exeter on July 14, 1560, John Parkhurst was named to Norwich on September 1st, and Robert Horne and Edmund Scambler became bishops of Winchester and Peterborough respectively on February 16, 1561. William May was elected to the archbishopric of York, but he died before his consecration, so Thomas Young was translated from St. David's, and was consecrated archbishop of York on March 2.[3] The same day John Best became bishop of Carlisle, and James Pilkington was consecrated for Durham. William Downham became bishop of Chester on May 4, 1561, and the last appointment was Richard Cheyney, who took over the see of Gloucester on April 19, 1562.[4] This left only Oxford, which Elizabeth kept vacant until 1567.

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[1] Since Kitchin was not deprived, he must have taken the oath although the time he consented to do so is not known. He did, however, promise on July 18, 1559, that "with all his power, cunning, and ability, he would set forth in his own person, and cause all others under his jurisdiction to accept and obey the whole course of religion now approved, and would require the oath from others receiving office." Bridgett and Knox, The Catholic Hierarchy, p. 30. Machyn wrote in his diary that Kitchin was one of the deprived, but he is clearly mistaken. The Diary of Henry Machyn, Citizen and Merchant Taylor of London, from A.D. 1550 to A.D. 1563 (ed. John G. Nichols for the Camden Society, London, 1848), p. 201.

[2] Bridgett and Knox, pp. 81, 230. Although Kitchin was not deprived, he never attended parliament after 1559.

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[3] Richard Davies was then translated from St. Asaph to St. David's, and Thomas Davies was consecrated bishop of St. Asaph.

[4] W.P.M. Kennedy, Elizabethan Episcopal Administration (Alcuin Club, London, 1908), I, iv-xi; Philip Hughes, The Reformation in England (London, 1954), III, 45. Cheyney was also authorized to hold Bristol *in commendam* with Gloucester.

Besides being far more numerous than the bishops who had participated in Elizabeth's first parliament, the new bishops differed in other ways as well. As we have seen, a number of the Marian survivors had held important positions in government. Not one of the new appointees had become bishop after a career in the state. No bishop was even a member of the Queen's Council until Archbishop Whitgift's appointment by Elizabeth in 1587. This is not to say that they no longer had secular responsibilities in their dioceses, but they were no longer ambassadors or officers of state. Instead, they were servants of the royal supremacy, and administrators of the Queen's authority in ecclesiastical matters. The educational background of the Elizabethan appointees was similar to their immediate predecessors in that they were university men. Of the eighteen earliest appointees, fifteen had been leading university figures until they were removed during Mary's reign. Four of the bishops who sat in the Parliament of 1563 had been trained in canon or civil law: Rowland Meyrick of Bangor, Thomas Young of York, Thomas Davies of St. Asaph, and Nicholas Bullingham of Lincoln.[5] At least five of the Marian bishops had been canonists or legists.

Another difference, as Hill has shown, is the social origins of the Elizabethan bishops. Before the Reformation, the episcopate took its place with the nobility, often possessing great family connections. After the Reformation this changed, and most of the bishops were taken from families below the level of the nobility. Most of Elizabeth's bishops were sons of merchants, weavers, tailors, yeomen, or small gentlemen.[6] Only a few of Elizabeth's seventy-six bishops came from illustrious families. William Barlow of Chichester came from a well-connected family which owned much property in Essex and Hertfordshire.[7] John Aylmer, who became bishop of London in 1577, came from an ancient family established at Aylmer hall in Norfolk.[8] Gervase Babington, bishop of Llandaff (1591), Exeter (1595), and Worcester (1597), was the son of Bernard Babington of Puxley, Derbyshire, and great-grandson of Thomas Babington, son of John, knight of Dethick, Lord of Kingston.[9] William Cotton, who became bishop of Exeter in 1598, was from an old Staffordshire family,[10] while Henry Cotton, who became bishop of Salisbury the same year, was the younger son of Sir Richard Cotton, a member of the Privy Council of Edward VI.[11] John Piers of Rochester (1576), Salisbury (1577), and York (1589), was of respectable parentage, and John Wolton of Exeter (1579) came from a good Lancashire family. William Chaderton of Chester (1579), and Lincoln (1595) was descended from an ancient Manchester family. His ancestor, Richard de Trafford, had possessed the manor of Chaderton at the end of the twelfth century. Matthew Parker, the son of a worsted weaver, came from a well-established

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[5] Hughes, III, 45-46. Hughes does not include Davies since he lists only the first eighteen appointees.

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[6] Christopher Hill, Economic Problems of the Church from Archbishop Whitgift to the Long Parliament (Oxford, 1956), p. 28.

[7] Phyllis Hembry, The Bishops of Bath and Wells, 1540-1640, Social and Economic Problems (London, 1967), p. 80. Hembry says that he was one of four sons of John Barlow. Cf. John and J.A. Venn, eds., Alumni Cantabrigienses (Cambridge, 1922-), pt. 1, I, 89.

[8] Venn, pt. 1, I, 59.

[9] *Ibid.*, 62.

[10] DNB: "William Cotton."

[11] Wood, Ath. Ox., II, col. 852.

Norfolk family on his mother's side.[12] Of nineteen Elizabethan bishops known to be of lower social origin than those above, eight were of gentle birth, two were sons of yeomen, two of lower clergy, four of businessmen, and three were of humble parentage.

The major contrast between the Marian bishops and the Elizabethan bishops was, of course, theological. The main reason, as we have seen, why the Marian survivors refused to accept the Elizabethan religious settlement, was because they could not accept any kind of Protestantism. Not one of the new bishops was a Catholic, but instead most were adherents to Calvinism.[13] This does not mean, however, that they were all of one mind as to what the final religious settlement should be. This was due partly to the experiences each had had just prior to Elizabeth's accession to the throne. Of the twenty-three named to bishoprics by 1563, only nine had not been on the continent at some time during Mary's reign. They were Matthew Parker of Canterbury, Rowland Meyrick of Bangor, Edmund Guest of Rochester, William Alley of Exeter, John Best of Carlisle, Edmund Scambler of Peterborough, Richard Cheyney of Gloucester, William Downham of Chester, and Thomas Davies of St. Asaph. All these were Cambridge men except Meyrick, Best, and Downham. Thus the majority of the new bench had been influenced to a greater or lesser extent by the continental reformers. However, a more useful classification for our purposes than exile and non-exile is that of "progressive" Protestant and

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[12] White, Elizabethan Bishops, pp. 199, 259, 264; Brook, Parker, p. 1.

[13] The two exceptions were Edmund Guest of Rochester and Robert Cheyney of Gloucester, both of whom accepted the Lutheran doctrine of the Eucharist.

"conservative" Protestant.[14] The former were those exiles (except Scambler) who were dissatisfied with the religious settlement of 1559, and demanded the complete abolition of "popish" practices in the Church. The latter were those who were willing to tolerate such externals rather than jeopardize the settlement or their own episcopal positions. When this kind of classification is made, it soon becomes clear that not all the exiles were progressives, and not all the non-exiles were conservatives.

### (a) The Progressives

At least nine of the bishops appointed in the first two and a half years of Elizabeth's reign were progressives. They included Thomas Bentham of Coventry and Lichfield, Edmund Grindal of London, Robert Horne of Winchester, John Parkhurst of Norwich, James Pilkington of Durham, Edwin Sandys of Worcester, Edmund Scambler of Peterborough, John Scory of Hereford, and John Jewel of Salisbury.[15] Three of them (Bentham, Parkhurst, and Jewel) were Oxford graduates.

We turn then to a brief discussion of the background of these nine bishops before Elizabeth came to the throne. Thomas Bentham (1513-1579) was a native of Yorkshire who became Fellow of Magdalen College in 1546, and was very learned in theology, Hebrew, Greek, and Latin.[16] He temporarily lost his fellowship under Mary, and in 1554 he appeared in Zurich. During the year 1555-1556, he was a student at Basle as well as preacher to the exiles there. After a short stay in Frankfort early in 1557, he went to Geneva where he contributed to the Genevan Bible because of his knowledge of Hebrew. He became a member of John Knox's congregation there, but then returned to England before Mary's death to minister to a clandestine congregation in London.[17]

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[14] See Patrick Collinson, The Elizabethan Puritan Movement (Berkeley and Los Angeles, 1967), p. 61.

[15] I have included Jewel, although, as Collinson has said, he really is in a class by himself since he was author of the Apology of the Church of England.

[16] Wood, Ath. Ox. I, col. 442.

Edmund Grindal (1519-1583) was the son of William, a yeoman from St. Bees parish in Cumberland.[18] He too attended Magdalen, but also Christ's, and finally Pembroke Hall where he became Fellow in 1538. Ten years later he was made Proctor of Cambridge.[19] He had been selected by Ridley, to whom he was chaplain, to argue on the Protestant side in the disputations on the sacrament at Cambridge in 1549, and two years later became chaplain to Edward VI. At Mary's accession Grindal fled to Strasbourg, and from there was sent in 1554 by John Ponet, the Edwardian bishop of Winchester, and highest-ranking ecclesiastic abroad, to Frankfort to help settle the Prayer Book quarrels there. In this he was not successful. He became a member of Richard Cox's commission for revising the 1552 Prayer Book, and in 1557 he returned to Strasbourg where he remained until Mary's death, except for a short time spent in Wasselheim and Speyer.[20]

Little is known of Robert Horne's career until the reign of Mary. He was born in 1514, and was a lecturer in Hebrew at Cambridge during the year 1545-1546. Like Grindal, he was chaplain to Edward VI.[21] As Dean of Durham at the time Mary became queen, he was accused, according to Strype, by Bishops Tunstal of Durham and Gardiner of Winchester of being a heretic, a Scot, a married man, and for refusing to appear before the Council at Mary's command.[22] In 1553 he fled first to Zurich where he stayed until summoned by Cox to help in the revision of the Edwardian Prayer Book at Frankfort. While there, he became reader of Hebrew in the new "university" of the exiles, and also pastored the English congregation. When he became involved in a quarrel with Thomas Ashley over the allocation of funds in 1557, and the congregation set itself up as a body politic whose decrees had the force of law over the pastor, Horne resigned and went to Strasbourg. The following year he was admitted to Basle University, and he also visited Geneva before returning to England.[23] He died in 1579.

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[17] Foster, Alum. Ox., I, 110; C.H. Garrett, The Marian Exiles, 1553-1559 (London, 1938), pp. 86-87; DNB: "Thomas Bentham."

[18] A.L. Rowse, The England of Elizabeth (London, 1950), p. 408.

[19] Ibid.

[20] Venn, pt. 1, II, 270; Garrett, p. 168. By 1563, Grindal was a progressive in spite of his having been a "Coxian" in 1554.

John Parkhurst (1511-1575) was the son of George Parkhurst of Guildford, Surrey. He attended Oxford at an early age, and subsequently joined Merton College where he became Fellow in 1529. After receiving his B.A., he went into holy orders, though Wood says he was better at poetry and oratory than in divinity. At Merton he was the tutor of John Jewel. In 1548 he received the rich church of Cleve in Gloucestershire and held it *in commendam* for three years.[24] With the coming of Mary to the throne, Parkhurst fled first to Strasbourg, and then to

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[21] Venn, pt. 1, II, 408. [22] Strype, *Annals*, II, 655-656.

[23] Garrett, pp. 188-190; Venn, pt. 1, II, 408.

[24] Wood, I, col. 412; *DNB*: "John Parkhurst."

Zurich where he lived with his wife at the home of Rudolph Gualter until Mary's death.[25]

James Pilkington (1520-1576) was from a family of small gentry, long established in the parish of Bolton-le-Moors, Lancashire. He was the third son of Richard Pilkington, esquire, and his wife Alice Asshawe.[26] He entered St. John's, Cambridge, where he became Fellow in 1539, Master in 1559, and Regius Professor of Divinity the same year. He married Alice, daughter of Sir John Kingsmill of Hampshire.[27] On Mary's accession to the throne, Pilkington withdrew to the continent where he formed one of the original group of the "Students of Zurich." In 1556 he went to Geneva, but kept himself aloof from the contentions of the exiles. The same year Pilkington became a member of Knox's congregation, but soon left because of health reasons. During the year 1556-1557, he was a student at the University of Basle. When Elizabeth became queen, he was at Frankfort, and it was from there that he returned to England.[28]

There appears to be some confusion concerning the parentage and ancestry of Edwin Sandys (1516-1588) but he was most likely the sixth son of George Sandes, a J.P. and King's Receiver in Lancashire, and his wife Margaret, daughter of John Dixon of London.[29] Sandys entered Cambridge as a member of St. John's College at about fourteen years of age. By twenty-two he had received his M.A., and the following year became Proctor of the university.[30] He was Master of St. Catharine's, 1549-1553, and Vice-Chancellor 1552-1553.[31] However, in July, 1553, he was sent to the Tower for supporting the claim of Lady Jane Grey to the throne. The following year he was transferred to the Marshalsea. He was subsequently released, and escaped to the continent with Cox, Grindal, and Sampson. Sandys went first to Strasbourg where he was joined by his wife and child, but both died soon after their arrival.[32] In 1558 he followed Peter Martyr to Zurich and remained there until Mary's death. Like Horne and Grindal, he was a member of Cox's commission at Frankfort in 1555 to revise the Prayer Book of 1552, and instead of subscribing to the "new discipline" of Frankfort, he tried to reconcile the factions.[33]

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[25] Garrett, pp. 244-245.

[26] Venn, pt. 1, III, 364.

[27] Ibid.

[28] Garrett, pp. 250-251.

[29] Ibid., p. 283; Venn, pt. 1, IV, 19. Venn says Sandys generally occurs in the Visitations as the son of George, citizen of London. Cf. Charles and T. Cooper, eds., Athenae Cantabrigienses (Cambridge, 1858-), II, 24-25, who say he was the fourth son of William Sandys, esquire, by his wife Margaret, daughter and heiress of William Rawlinson, esquire, of York.

Edmund Scambler (1517-1594) was the only non-exile of this group of progressives. He was a native of Gressingham, Lancashire, and was educated first at Peterhouse, Cambridge, and later at Queen's College.[34] When Mary came to the throne, Scambler was in holy orders, and he continued to pastor a London congregation during her reign in spite of having to endure a good deal of harrassment.[35]

John Scory (?-1585) was a native of Norfolk who had been a friar in a Dominican house at Cambridge around 1530. He became chaplain to Archbishop Cranmer who helped him become one of the six preachers at Canterbury. In his sermons Scory denounced crosses, holy candles, holy water, mediation of saints, Latin prayers, and the consecration and adornment of churches. In 1551 he was appointed as bishop of Rochester by letters patent of Edward VI, and one year later was translated to Chichester by the king. On Mary's accession to the throne, Scory was deprived of his see, and escaped to the continent.[36] He went first to Emden where he was in charge of an English congregation. From there he wrote encouragement to those Protestants who were in prison in England, despite the fact that his own escape was possible because he had recanted rather than accept imprisonment. From Emden, he went with many of his congregation to Wesel, and in 1556 he made a short stay in Geneva. He probably returned to Emden until Mary's death.[37] Upon his return to England, he was for some unknown reason elected to the see of Hereford instead of being restored to Chichester.[38]

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[30] Venn, pt. 1, IV, 19.

[31] _Ibid_.

[32] Garrett, p. 283. Sandys married again, to Cicely, daughter of Thomas Wilford of Cranbrook, Kent, but we are not certain whether the marriage took place on the continent or not. Venn, pt. 1, IV, 19.

[33] _Ibid_., pp. 283-284.

[34] Venn, pt. 1, IV, 27.

[35] White, _Elizabethan Bishops_, p. 158.

There is some difference of opinion concerning the social background of John Jewel (1522-1571).[39] He was named after his father, and his mother was from the Bellamy family. He was born at Bowden in the parish of Berimber in Devon, and after an elementary education in grammar, in 1535 he entered Merton College, Oxford, where he was tutored by Parkhurst. Four years later he was admitted scholar of Corpus Christi where he became Fellow in 1542.[40] In January of 1555, Jewel fled to the continent, but not before he had, like Scory, subscribed to Catholicism when threatened. He went straight to Strasbourg,[41] after which he accompanied Cox to Frankfort in March. However, he received no welcome there despite his apology for having recanted, so he returned to Strasbourg. The next year he accompanied Peter Martyr to Zurich, and remained there until Mary's death.[42]

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[36] Venn, pt. 1, IV, 30.

[37] Garrett, p. 286.

[38] Venn, pt. 1, IV, 30.

[39] Stephen Cassan, in his Lives and Memoirs of the Bishops of Sherborne and Salisbury (Salisbury, 1824), p. 5, says Jewel's father was "a gentleman descended rather of an ancient and good, than very rich family" which had held the estate for almost 200 years. Cf. Rowse, The England of Elizabeth, p. 408, who says Jewel's father was a respectable North Devon yeoman.

[40] Wood, Ath. Ox., I, col. 389; Foster, Alum. Ox., II, 813.

### (b) The Conservatives

We turn next to those bishops who had been in exile, but were more conservative by 1563 than the nine above. These included William Barlow of Chichester, Gilbert Berkeley of Bath and Wells, Nicholas Bullingham of Lincoln, Richard Cox of Ely, Richard Davies of St. David's, and Thomas Young, Archbishop of York. What were their experiences like before they became Elizabethan bishops?

We have already seen that Barlow (?-1568) came from a wealthy family which had a high social standing. He was born in Essex, and appears to have studied at Cambridge and Oxford, since he is listed among the graduates of both universities.[43] He held a succession of priories until 1528 when the house of Bromehill was dissolved. He may have been a chaplain to Henry VIII, 1528-1534, and he enjoyed the patronage of Thomas Cromwell. In 1534 he was promoted to prior of Haverfordwest in Pembrokeshire doubtless by the patronage of Anne Boleyn, but his anti-papal sermons made him unpopular with both the secular and regular clergy. The following year Barlow was again promoted, this time to prior of Bisham in Berkshire. As prior, he was sent on an embassy to Scotland to try to persuade James V to break with Rome. In 1536 he became bishop first of St. Asaph, and then of St. David's.[44] Upon the accession of Edward VI to the throne in 1547, Barlow was translated to the see of Bath and Wells, thanks to the patronage of Somerset.[45] Barlow preached before the king against the use of images, found the good favor of Archbishop Cranmer, and married Agatha, daughter of Humphrey Wellesbourne, during the reign of Edward VI. From this marriage came two sons and five daughters. All of the daughters married Elizabethan bishops.[46] He was committed to the Tower on September 15, 1553, when Mary became queen. In April of the following year he tried to escape with John Taylor (alias Cardmaker) to the continent, but was captured. After his release, he tried again, but was recaptured and placed in the Fleet. Finally in January of 1555, he recanted in writing, was released, and fled into exile. Fuller says Barlow was a minister at Emden.[47] If so, he probably went to Wesel, for he is next mentioned as a member of the household of the duchess of Suffolk at Weinheim whom he accompanied to Poland where he remained until Mary's death.[48]

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[41] Wood, I, col. 390, says he went to Frankfort first.

[42] Garrett, pp. 198-199. Two biographies of Jewel are John E. Booty, John Jewel As Apologist of the Church of England (London, 1963), and W.M. Southgate, John Jewel and the Problem of Doctrinal Authority (Cambridge, Mass., 1962).

[43] Venn, pt. 1, I, 89. Wood, I, col. 364, says he was educated at Oxford where there was an Augustinian abbey and priory, and where he became a divinity scholar.

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[44] Hembry, Bishops of Bath and Wells, pp. 80-82. An older work is Arthur S. Barnes, Bishop Barlow and Anglican Orders: A Study of the Original Documents (London, 1922).

[45] Wood, I, col. 365; Garrett, p. 80.

[46] Margaret was married to William Overton of Coventry and Lichfield, Frances to Tobias Matthew of York, Elizabeth to William Day of Winchester, Antonia to William Wickham of Lincoln, and Anne to Herbert Westphaling of Hereford. Hembry, pp. 84, 87, 88.

[47] Fuller, Worthies, II, 389.

Gilbert Berkeley (1501-1581) is said to have been from an ancient and noble family, but we do not know who his parents were. It is also not certain whether he was a native of Lincolnshire or Norfolk.[49] While his ancestry is uncertain, his rapid and remarkable advancement under Elizabeth suggests either the support of Parker or a close relationship with the Berkeleys of Bruton in Somerset who enjoyed the favor of the Tudors.[50] He had been a Franciscan conventual, and according to Cooper, he received a B.D. degree from Oxford around 1538, and a D.D. from Cambridge in 1562-1563.[51] All we know about Berkeley's experience as an exile during Mary's reign is that he resided at Frankfort. He was a chaplain to Elizabeth when he was elected to the diocese of Bath and Wells. According to Sir John Harington, he was married, but this is uncertain since Harington was hostile toward all bishops and thus an unreliable source.[52]

Nicholas Bullingham (1511-1576) was a native of Worcester, the son of Thomas, a bailiff. He attended Oxford, where he was a Fellow of All Souls, and Cambridge where he took degrees in civil law.[53] In 1547 he became chaplain to Cranmer, and eventually became Archdeacon and Vicar-

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[48] Garrett, p. 80.

[49] Cooper, I, 446. Venn, pt. 1, I, 140, says nothing about his social background.

[50] Hembry, pp. 101-103.

[51] Venn, pt. 1, I, 140. The DNB does not mention Berkeley's connection with Cambridge.

[52] Garrett, p. 87; Hembry, pp. 102-103. [53] Venn, pt. 1, I, 252.

General of the diocese of Lincoln.[54] When Mary came to the Throne, he was deprived, possibly because of insufficient orders. He remained in England for a time, but then fled to Emden in December, 1554.[55] At his death, he left a widow and seven children.[56]

Richard Cox (1499-1581) was born at Whaddon in Buckinghamshire, but the identity of his parents is uncertain.[57] He was educated first at Eton, and then at King's College, Cambridge. Then he entered Christ Church, Oxford, where he received his M.A. in 1526. However, his sympathy with the Reformation forced him to leave Oxford, and he became Head-Master of Eton.[58] He had been both chaplain and Almoner to Henry VIII, and received the favor of the king for supporting the annullment of his marriage with Anne of Cleves. Cox's support of royal policy brought him many preferments. Between 1541 and 1549 he received the archdeaconry of Ely, canonries at Ely, Lincoln, and Windsor, and the deaneries of Christ Church and Westminster. He was tutor to both Edward VI when Prince, and Elizabeth when Princess. He was chaplain to Cranmer and Edward VI, and he held a seat in the Privy Council. Under Edward he became Chancellor of Oxford University, High Almoner to the king, and assisted in the drafting of both Edwardian Prayer Books.[59]

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[54] White, Elizabethan Bishops, p. 108. [55] Garrett, p. 99.

[56] White, p. 109.

[57] Venn, pt. 1, I, 408, says his father's name was also Richard, but his position is unknown. Cf. Wood, I, col. 465, who says Cox was of mean parents whose names were also called Staughton.

[58] Venn, pt. 1, I, 408; Wood, I, 465-466; Foster, Alum. Ox., I, 341, says he was also Fellow of King's.

[59] Venn, pt. 1, I, 408; Wood, 466; Foster, I, 341; White, pp. 78-79; Garrett, p. 134.

However, all hopes of further promotion ended with the accession of Mary, for he was deprived of all his preferments and put in the Marshalsea on a charge of treason. After his release, he escaped with Sandys to the continent in May, 1554. Cox went to Frankfort where he clashed with John Knox and his party over the Second Prayer Book of Edward VI. After Knox was forced to leave, Cox and his supporters made a third revision of the Prayer Book. From Frankfort he went to Zurich for two years. He returned briefly to Frankfort, but then went to Worms where he was at Mary's death.[60] He was married to Joan, daughter of George Inder, by whom he had two sons and two daughters.[61]

Richard Davies (1509-1581) was born at Plas Y Person in North Wales, the son of Davydd ab Gronwy and his wife, Janet, daughter of Davydd ab Richard. His father was a descendant of Ithel Velyn, lord of Ial, but was only a poor curate of Gyffin just outside Conway town. Davies received his education at New Inn, Oxford, and under Edward VI, he held the rectory of Maidsmorton and the vicarage of Burnham, both in Buckinghamshire. The latter had been presented to him by the king.[62] He was deprived of his preferments by Mary, and fled with his wife to Frankfort in 1555 where he was called upon by John Hales to help quiet the strife in the Frankfort church. Davies was one of the few conservatives who opposed the "new discipline" there. There is no documentary evidence to show that he ever went to Geneva.[63]

The last conservative exile was Thomas Young (1507-1568), son of

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[60] Ibid., pp. 134-136. [61] Wood, I, cols. 468-469.

[62] Ibid., I, cols. 462-463; DNB: "Richard Davies;" White, p. 123.

[63] Garrett, p. 141.

John Young of Hodgeston, Pembrokeshire. He attended Pembroke College (then Broadgate Hall), Oxford where he studied civil law. In 1542 he became Principal of Broadgate Hall, and three years later became Precentor of St. David's. As such he became involved in a violent quarrel with the bishop, Ferrar. He was one of six Protestants in Mary's first Convocation, and although he most likely went into exile, no trace of him has been found on the continent. According to Strype, Young was either in Friesland or Wesel. At his death, he left a widow and several children.[64]

This leaves then only the eight bishops who had remained in England during the reign of Mary who are included in the conservative category. They were Matthew Parker of Canterbury, Rowland Meyrick of Bangor, Edmund Guest of Rochester, William Alley of Exeter, John Best of Carlisle, William Downham of Chester, Thomas Davies of St. Asaph, and Richard Cheyney of Gloucester. Who were they, and what experiences had they had before becoming bishops under Elizabeth?

Matthew Parker (1504-1575) was born in the parish of St. Saviour in Norwich, the eldest son of William Parker, a worsted weaver, and his wife Alice, whose maiden name was Monins. Parker's family was entitled to bear arms, and seems to have been in quite comfortable circumstances. His mother came from one of the best Norfolk families which had produced at least one knight of the shire, and his great-grandfather, Nicholas, had been registrar to the archbishop of Canterbury from 1450-1483. According to White, Parker could even claim affinity with Elizabeth through the Careys.[65] His father died when he was only twelve, and his mother sent him to Cambridge five or six years later where he entered Corpus Christi, then called Benet College. There he was elected to a Bible-clerkship, and by 1527 he had obtained his M.A. degree. In the meantime he had been admitted to holy orders and took up an intensive study of theology and church history. In the same year that he received his M.A. he was elected Fellow of his college. In 1555 at the request of Anne Boleyn, whose marriage he had supported, Parker became her chaplain and subsequently was given the deanery of Stoke-by-Clare in Suffolk. Three years later Parker became Henry's chaplain after which his promotions were swift and immediate. The same year (1538) he received his doctorate; in 1541 he received a prebend of Ely; 1542 the rectorship of Ashen in Essex; 1544 the mastership of Corpus Christi; 1545 the vice-chancellorship of Cambridge, and the rectorship of Burlingham and Landbeach.[66] Two changes took place for Parker under Edward VI: his loss of the deanery of Stoke-by-Clare, and his marriage. Although he lost the deanery of Stoke, the college of which was discontinued, and the lands of which went to Edward's tutor, Sir John Cheke, Parker received a pension of 40 pounds.[67] He married Margaret, daughter of Robert Harlston, a Norfolk gentleman in June, 1547. They had four sons, two of whom died within a year of their birth, and two who married bishops' daughters. One was a daughter of Cox, and the other a daughter of Barlow.[68]

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[64] _Ibid_., p. 348; White, pp. 121-122.

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[65] Venn, pt. 1, III, 307. Brook, Parker, p. 1; White p. 24.

[66] Venn, pt. 1, III, 307; White, pp. 25-26; Brook, pp. 2-34.

[67] *Ibid.*, pp. 35-36; White, p. 26.

[68] Brook, pp. 36-37; Parker Correspondence, p. x.

Parker's loss of Stoke does not mean that he lost the favor of Edward VI, for he preached often at the Court, and was appointed to a commission to suppress Anabaptists as well as one to revise the ecclesiastical laws. In 1549 he risked his life by going to the camp of Kett's rebels and exhorting them to cease their revolt and submit to the king. In 1552 Parker received a prebend in Lincoln and was nominated for the deanery a week later. Both were gifts from the king.[69] Edward's death changed things completely for Parker. He was permitted to "resign" his mastership of Corpus Christi, but was deprived of all his other offices. He then went into hiding with his wife and two children, living in the house of a friend, and devoting his time to leisurely study.[70] It is not surprising that Elizabeth called Parker to be her archbishop. He had been in close touch with her father and mother, was a scholar well qualified for ecclesiastical administration, and had not come under the influence of extreme Protestantism on the continent.

Little is known of the early life of Rowland Meyrick (1505-1566) except that he was born in Anglesey and studied at St. Edward's Hall, Oxford. He obtained degrees in both civil and canon law at New Inn, where he became Principal in 1524-1525. Five years later he became Chancellor and canon of St. David's. During the reign of Edward VI, Meyrick earned a bad reputation in the diocese of St. David's. After Barlow's removal from that see, Meyrick and his assistant Thomas Young

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[69] White, p. 27; Brook, pp. 36, 38-39, 48.

[70] Ibid., pp. 51-52; Parker Correspondence, pp. viii, 482.

(already discussed) were given charge. Not only did they steal the cathedral plate and jewels (to the amount of 500 marks), but also sealed blank leases without the king's knowledge. For these acts they were dismissed by Bishop Ferrar, Barlow's successor and were certified by him as refusing to pay their share of the royal subsidy. The result was a violent clash between them and the bishop. Nothing seems to be known about Meyrick's activities during Mary's reign. Like most of Elizabeth's bishops, he was married, and also had a son.[71]

Edmund Guest (1517-1577) was born at Northallerton, Yorkshire, the son of Thomas, who belonged to the Gestes, a Worcestershire family of Row Heath in King's Norton parish. After attending a grammar school at York, he went to Eton, and was elected scholar of King's, Cambridge, where he first became Fellow, and later Vice-Provost.[72] He debated the Catholic doctrine of transubstantiation in the reigns of Henry VIII and Edward VI. During Mary's reign, Guest remained in England, but had to move from one hiding place to another to avoid arrest. He was one of the few Elizabethan bishops who remained unmarried, which brought him the Queen's favor, and as we have seen, he was sympathetic to the Lutheran doctrine of consubstantiation.[73]

William Alley (1509-1570) was a native of Chipping Wycombe in Buckinghamshire, and was educated at Eton and King's, Cambridge, where he took his B.A. in 1533. He then went to Oxford to complete his study. When Mary came to the throne, Alley was deprived of the benefice he held, and moved to northern England where he practiced medicine until the accession of Elizabeth. As bishop of Exeter under Elizabeth, he was a strong advocate of conformity to the religious settlement. He was married and had one son, Roger, who became deacon of Cornwall.[74]

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[71] Wood, II, col. 797; Foster, Alum. Ox., III, 1006; White, pp. 96-97.

[72] DNB: "Edmund Guest"; Venn, pt. 1, II, 272.

[73] DNB.

Very little is known about the background of John Best (1511-1570). He was a native of Yorkshire, and received his education at Oxford.[75] All we know about his activity during Mary's reign is that he "lived obscurely."[76] At his death, he left a wife and several children.[77]

William Downham (1519-1577) was born in Norfolk, and educated at Magdalen College, Oxford, where he was first chaplain, and later Fellow. He began his ecclesiastical career as a monk, and was chaplain to Princess Elizabeth during the reign of Henry VIII.[78] After that there is no more information about him until Elizabeth's accession. As bishop of Chester, he got into difficulty with both the Queen and Council for his laxness in dealing with recusancy in his see. Downham was married, and had two sons. The eldest, George, became bishop of Derry.[79]

Thomas Davies (1512-1573) was born at Llanbedr-y-Cennin, Carnarvonshire,[80] the son of David ap Robert. He first attended St. John's College,

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[74] Wood, cols. 376-377; Venn, pt. 1, I, 21; White, pp. 142-143.

[75] Wood, col. 807; Foster, I, 117; Cf. White, p. 161, who says "there is no record of his place of education."

[76] Wood, col. 807. Best is not listed in the DNB.

[77] White, p. 163.

[78] DNB: "William Downham."

[79] White, pp. 168-171; Wood, II, col. 814.

[80] Venn, pt. 1, II, 17; Cooper, I, 319, and White, p. 171, say he was born in Caerhun. Venn should be accurate since it is more up-to-date than Cooper, whom White used.

Cambridge, but afterwards migrated to Queen's where he took degrees in both canon and civil law. However, he received his L.L.D. in 1548 from St. John's.[81] He had also been Chancellor and canon of Bangor under Henry VIII. Davies must have conformed during the reign of Mary, for he held the rectory of Trifriw, the archdeaconry of St. Asaph, and the sinecure of Llandinam, Montgomeryshire. At his death, he left a wife and one daughter.[82]

The last bishop to be appointed before the Parliament of 1563, Richard Cheyney (1513-1579) was born in London and educated at Christ's and Pembroke Hall, Cambridge, where he became Fellow in 1530. By 1540 he had received his B.D. and had acquired a thorough knowledge of Greek.[83] Parker wrote that Cheyney held an ecclesiastical office at the Court of Henry VIII, but he did not say what it was.[84] He also held several benefices under Henry. During the reign of Edward VI, he became Archdeacon of Hereford, and in the beginning of Mary's reign argued, with Guest, against the doctrine of transubstantiation in her Convocation. Although he opposed the Marian restoration of Catholicism, he attended mass occasionally, and continued to hold his archdeaconry for four years of Mary's reign.[85] Not only were Cheyney's views on the Eucharist similar to those of Guest's, but like him, Cheyney was unmarried and a recipient of Elizabeth's favor. He was, however, the only bishop who could not accept Calvin's doctrine of predestination.[86]

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[81] Venn, pt. 1, II, 17.

[82] White, p. 171.

[83] Ibid., p. 172; Cooper, I, 401, says that Cheyney is said to have also attended Oxford, but I find no record of it elsewhere.

[84] Parker Correspondence, p. 139.

[85] White, p. 172.

[86] Ibid., p. 173.

## 2. The Appointees of 1563-1583

Between 1563 and 1583, when John Whitgift succeeded Grindal as archbishop of Canterbury, twenty others entered the ranks of the Elizabethan episcopate. Space does not permit as detailed an examination of their backgrounds, but a few generalizations about them can be made.[87] All of them were university men--ten from Oxford[88] and ten from Cambridge.[89] Of the Oxford graduates, six were Fellows of their colleges, and one (John Piers) held a mastership. Of the Cambridge bishops, seven were Fellows, three (Whitgift, May, and Young) were Masters and Vice-Chancellors, one (Chaderton) was President, and one (Robinson) was Vice-President.

The majority of the bishops were married with families. Only five (Whitgift, Bullingham, Watson, Piers, and Bradbridge) seem to have remained celibate, or if the latter four did marry, there is no evidence for it. At least two of the bishops made unfortunate choices: Cooper, whose wife disgraced him, and Freake, whose companion tried to run his see. A few of them were even re-married.

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[87] The following information is gleaned from White, *passim*, Venn, *passim*, and Foster, *passim*.

[88] Hugh Jones (1508-74) of Llandaff (1566); Richard Barnes (1528-85) of Nottingham (1567); Carlisle (1570), Durham (1577); Thomas Cooper (1519-94) of Lincoln (1571), and Winchester (1584); William Bradbridge (?-1578) of Exeter (1571); William Blethin (1539-90) of Llandaff (1575); John Piers (1523-94) of Rochester (1572), Salisbury (1577), and York (1589); John Wolton (1507-93) of Exeter (1579); John Watson (1521-84) of Winchester (1580); William Overton (1526-1609) of Lichfield & Coventry (1580); John Bullingham (1532-98) of Gloucester (1581). Four of them (Barnes, Cooper, Overton, and Bullingham) were incorporated at Cambridge after graduating from Oxford.

[89] Nicholas Robinson (1528-85) of Bangor (1566); Richard Curteis (1532-82) of Chichester (1570); Edmund Freake (1516-91) of Rochester (1572), Norwich (1575), and Worcester (1584); William Hughes (1537-1600) of St. Asaph (1573); John Aylmer (1521-94) of London (1577); John Whitgift (1530-1604) of Worcester (1577), and Canterbury (1583); John May (1528-98) of Carlisle (1577); John Young (1534-1605) of Rochester (1578); Marmaduke Middleton (?-1593) of Waterford (1579) and St. David's (1582); William Chaderton (1540-1608) of Chester (1579), and Lincoln (1595).

As many as nine of the twenty had outwardly conformed to the Catholic restoration under Mary,[90] and one (Bullingham) had not only gone to the continent because he opposed the religious changes of Edward VI, but returned when Mary came to the throne, and then was deprived of his preferments under Elizabeth because he refused to take the oath of supremacy! His obstinacy did not continue very long, however, for by August 1, 1565, he had been appointed by Grindal to the prebendal stall of Wenlocks-barn in St. Paul's Cathedral. On July 8, 1566, he received his B.D. from Oxford, and the following year was appointed by his namesake and probable kinsman, Bishop Nicholas Bullingham of Lincoln, to the archdeaconry of Huntingdon. Following this appointment other preferments rapidly succeeded each other.[91] Only two (Aylmer and Wolton) are reported to have gone into exile during Mary's reign.[92] Most of the bishops supported the Elizabethan settlement, and enforced conformity to it in their sees. Only two (Bradbridge and Chaderton) seem to have agreed on many points with the Puritans, but Chaderton, at least, enforced conformity on them regardless of his own attitudes.[93] Thus none of the bishops appointed after 1563 can be designated as progressives. Even the two reported to have been on the continent during the reign of Mary were strong conformists to the Elizabethan religious settlement.

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[90] Jones, Robinson, Barnes, Cooper, Bradbridge, Whitgift, May, Watson, and Bullingham.

[91] White, p. 277; DNB: "John Bullingham."

[92] Venn, pt. 1, I, 59, says Aylmer was in Strasbourg and Zurich, while Garrett, Marian Exiles, p. 76, says that Strype is the only one who reported this, and that Aylmer's name is mentioned in neither the correspondence of Frankfort, Zurich, and Strasbourg, nor among those who studied at the University of Basle. He was, says Garrett, at Jena for a time. Concerning Wolton, Wood, I, col. 600, says he went to Germany with Alexander Nowell, his uncle, but Garrett does not list him in her census of exiles.

In the previous chapter it was pointed out that a breach was opened between the Queen and the Marian bishops, and that despite Elizabeth's hope that a few of them might accept a compromise, their refusal to do so kept the breach open. With the appointment of her own Protestant bishops, that breach suddenly narrowed, but did not completely close--due mainly to the progressive bishops. How and why it did not completely close between the Parliaments of 1563 and 1581 is the subject of the next section.

## 3. The Parliament of 1563

### (a) Pre-Parliament Differences Between Queen and Bishops

While the Marian bishops were unitedly opposing the ecclesiastical legislation of the Parliament of 1559, the Protestant bishops-to-be, discussed in the first part of the previous section, were doing their best outside of parliament to over-ride the bishops' opposition. It would thus be easy to assume that Elizabeth's new bishops would staunchly defend the Elizabethan settlement. However, it must be remembered that the settlement was a compromise--a compromise which left both the Marian bishops and the Protestant divines dissatisfied. Thus even before Elizabeth's second parliament convened, there were four main issues upon which she and her bishops differed. The first concerned the alterations made by her in the Act of Uniformity; the second was the presence of the crucifix in the Queen's Chapel; the third was clerical marriage; the fourth was the Act passed by parliament which permitted the Queen to exchange the bishops' lands for tithes and impropriate parsonages.

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[93] White, pp. 193, 268.

In the Parliament of 1559 the Protestant divines, especially those who had been in exile, practically forced Elizabeth to accept the Prayer Book of 1552, but she did not do so without having several conservative clauses inserted, and one from the Second Prayer Book removed. Of those inserted, one was an ornaments proviso, and another was a clause concerning the communion. The first part of the latter clause gave the interpretation of the Real Presence as given in the Prayer Book of 1549, while the second half interpreted the Eucharist as a memorial of Christ's death. The clause which was removed from the Prayer Book of 1552 was one which had been inserted at the last minute by the Council of Edward, and was known as the Black Rubric. It stated that the act of kneeling to receive the bread and wine did not imply the Real Presence of Christ's body and blood, nor the worship of the bread and wine.[94]

Although the Protestant divines do not seem to have taken the ornaments proviso very seriously, they certainly did not agree with it. Sandys felt that it would be retained by the Queen only until she regarded the time as right to eliminate ornaments. The only reason she retained them, he wrote, was to keep them from falling into other hands.[95] Grindal wrote that they (the progressive Protestants) "contended long and earnestly" for the removal of vestments, but that they were successful with neither the Queen nor parliament. However, he reported that after consulting among themselves, they eventually decided not to let a few objectionable ceremonies cause them to desert their churches.[96]

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[94] Neale, I, 78-79.

[95] Parker Correspondence, p. 65.

[96] Z.L., I, 169.

Both Sandys and Grindal were among the progressives discussed in the previous section of this chapter, but there was another "short-coming" of the Queen which gave both progressives and conservatives grave concern. This was the use of the crucifix in the Queen's Chapel Royal. Between the end of August and the beginning of September, 1559, both the cross and candles were removed, but by October they were back again.[97] This caused even the archbishop-elect of Canterbury, Parker, to protest their presence to Elizabeth. On November 6, he reported to Cecil that he had talked with the Queen about removing the crucifix from her chapel, and that although he was comforted by her gracious words, he intended to continue his supplication for the removal of "that offendicle."[98] Ten days later Jewel reported that "that little silver cross of ill-omened origin" was still in its place.[99] Cox, a conservative like Parker, regarded the crucifix as a "stumbling-block" which had to be tolerated because of Elizabeth's negligence in removing it.[100]

It was also on this issue that a controversy arose between the conservative bishops who were willing to tolerate the crucifix and the progressives who were not. A disputation was held on February 5, 1560, with Parker and Cox calling for its toleration, and Grindal and Jewel arguing for its rejection. According to letters written by both Jewel and Sandys, the refusal of the progressives to permit crucifixes and images in the churches nearly cost them their bishoprics.[101] Although the bishops were not ordered to place crosses and candles in their churches, both were still in the Chapel Royal when parliament again convened in 1563.

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[97] Span. Cal., I, 105.

[98] Parker Correspondence, pp. 97,105.

[99] Z.L., I, 55

[100] Ibid., I, 66.

[101] Ibid., 67-68; 73-74.

The third major issue on which the Queen and her bishops clashed was the marriage of the clergy. In August of 1561, Elizabeth issued an injunction prohibiting the residence of women in colleges and cathedrals. She explained that they had been established for societies of educated men, and warned that any person in the realm permitting his wife or any other woman to reside in them would "forfeit all ecclesiastical promotions in any cathedral or collegiate church" within the realm.[102] The same month Cecil informed Archbishop Parker that Elizabeth was so opposed to clerical marriages that if he, Cecil, had not sternly disagreed, she would have openly condemned and forbidden it.[103] While Cox, now bishop of Ely, agreed that the prohibition for students in colleges was reasonable because they should be kept to themselves and not be troubled by women and babies, he strongly defended married clergy in cathedral churches. He even went so far as to affirm that since marriage was taught by scripture, any attempts to forbid or deface it arose from the doctrine of devils.[104] Parker too was horrified at the way Elizabeth spoke concerning marriage. His response to Cecil, on hearing of her injunction was "Alas, what policy is this? To drive out hospitality in cathedral churches . . . Horsekeepers' wives, porters', and butlers' wives, may have their cradles going" while "honest learned men" are "expulsed with open note." Like Cox, Parker defended clerical marriage saying that St. Jerome, St. Augustine, and St. Chrysostom had supported it.[105] The reason, of course, why these Elizabethan bishops defended the marriage of the clergy is because they were married themselves.

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[102] Parker Correspondence, p. 146; Machyn's Diary, p. 265.

[103] Parker Correspondence, p. 148.

[104] Ibid., p. 151.

[105] Ibid., pp. 159-160.

Although Elizabeth never was happy about clerical marriage, she permitted it to continue, but we have seen earlier that she showed a special favor to those of her bishops who remained celibate.[106]

The fourth issue, the bill enacted in the first parliament giving the Queen the authority to exchange the temporalities of vacant bishoprics for parsonages impropriate and tithes, was disliked as much by Elizabeth's bishops as it had been by the Marian survivors. While the Act stated that the parsonages impropriate and tithes would be equal in value to the episcopal possessions, it was actually beneficial to the Crown and detrimental to the bishops. First of all, those manors which the Queen would take could be used by her as a profitable source of patronage, while parsonages and tithes were less capable of profit during a vacancy. The bishops would be burdened with the responsibility of keeping up decayed buildings, chancels, and parsonage houses, and would have to provide pensions. Furthermore, the Act limited the granting of leases by the bishops to twenty-one years, except to the Crown, and prevented the bishops from levying large fines for leases which could not be renewed for years, and which were a mortgage on the future.[107]

On October 15, 1559, five of the bishops-elect (Parker, Grindal, Cox, Barlow, and Scory) addressed a letter to Elizabeth requesting her to refrain from carrying out the provisions of the Act. They tried to buy her off by offering her a thousand marks annually from the province of Canterbury as long as they held their bishoprics. If, however, the Queen insisted on making the exchanges, they asked that the parsonages they received be free of charges for pensions and vicars' salaries, that decayed houses be repaired, and that they be given the right to collect tithes by process of law if it became necessary. In addition, they asked that they be free of the feudal obligations which went with the lands which they lost, that they be freed of any arrears not paid to the Crown by their predecessors, and that their first-fruits be either reduced, or that they be given more time in which to pay them.[108]

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[106] Above, p. 92.

[107] See Hughes, Reformation in England, III, 20; Hembry, Bishops of Bath and Wells, p. 129; Neale, I, 74.

Strype gives an account of three papers addressed to Elizabeth by Cox concerning the exchanges.[109] He asked that she command her officers to cease any further exchanges, and gave a number of reasons why she should do so. Cox first gave a number of biblical examples where the molestation of lands belonging to the Church was forbidden. Next he pointed out that although Henry VIII had re-distributed monastic lands, he had not molested the lands of the secular clergy, and had even refused to exchange the possessions of the university colleges when given the authority by parliament to do so. Unless Elizabeth agreed to follow her father's example, said Cox, the bishops would not be able to educate large numbers of scholars in the university colleges, and the learned ministry of the Church would suffer. Finally, he warned that the cause of Protestantism would be discredited, for men would say that it had been restored in England so that the Queen could take episcopal lands.

Despite these efforts by the bishops-elect, Elizabeth instructed the Lord Treasurer and the barons of the Exchequer to expedite the exchanges, but she ordered that the bishops should receive "an equal just value" for what was taken from them, and that each of them be allowed a half year's rent.[110] This was a partial victory for the bishops-elect, considering the dire financial straits of the Crown, but the Queen's refusal to heed their pleas was typical of a policy she continued to follow throughout her reign. The correspondence of her bishops is full of complaints concerning the financial exactions she made from their sees.[111]

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[108] Parker Correspondence, pp. 97-100.

[109] Strype, Annals, I, 97-101.

### (b) Issues in Parliament On Which Queen and Bishops Agreed

While none of the issues just discussed appeared in Elizabeth's second parliament, others on which the Queen and her bishops could not agree did arise. We turn then to the two sessions of the Parliament of 1563, and the role which the bishops played in them.[112] In this section we shall seek to determine first which issues both Queen and bishops could support, and second, those over which they clashed. Of the first, there were two in this parliament: anti-Catholic legislation in the form of two bills, and a bill confirming the consecration of the bishops. Likewise, there were two bills which caused trouble between Elizabeth and her bishops. One concerned the succession problem; the other was an attempt by parliament to authorize the Thirty-Nine Articles.

Both of the anti-Catholic bills came in the first session of parliament. The first was a "bill for the assurance of the Queen's Majesty's royal power over all states and subjects within her dominions" which was given the first reading in the Lords on February 25. It had been introduced into the Lower House by the government for the purpose of putting more teeth into the Act of Uniformity by sharpening the penalties of recusancy. It provided that the first refusal of the supremacy oath would incur the penalty of the loss of lands and goods and imprisonment. A second refusal was regarded as treason, which meant the death penalty. The bill was passed by the lords after the third reading on March 3.[113]

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[110] Parker Correspondence, pp. 101-102.

[111] For a detailed discussion of these exactions, see Hill, Economic Problems of the Church, pp. 14-38.

[112] The first session began on January 12, 1563, and was prorogued on October 2, 1563. After four more prorogations, the second session began on September 30, 1566, and parliament was dissolved on January 2, 1567.

We know that the bishops supported this bill, for in a speech delivered against it before the Upper House, Viscount Montague stated that the majority of the lords supported the bill, including "the bishops that are twenty-five."[114] He even argued that the bishops could not be judges in this matter because they were a party to it. However, the real bombshell thrown by Montague was the assertion that their only responsibility was to pronounce Catholicism to be false, and to excommunicate those who refused to give it up. As for deciding such penalties as confiscation or death, this was the responsibility of the secular judge alone. He therefore proposed that the temporal lords only decide on whether such a bill should be enacted! This was certainly an explosive doctrine, for one of the main arguments which the Marian bishops had used against the Acts of Supremacy and Uniformity was that those bills had been illegally enacted--that is, without the bishops' endorsement.[115]

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[113] C.J., I, 65; D'Ewes, pp. 67-68; L.J., I, 593, 595-597; Neale I, 117.

[114] Even if all would have been present, there would have been only twenty-four bishops since Oxford and Bristol were still vacant. The Journal shows that on the day the bill was passed, only eighteen were present. L.J., I, 597.

[115] Montague's speech is printed in Strype, Annals, I, 298.

While Elizabeth gave her assent to the bill at the close of the session, she instructed Archbishop Parker to send a letter to each of his bishops urging them to be prudent in executing the Act. Parker told them that if the oath was refused the first time, they were to report it to him immediately, and were not to tender the oath a second time until they received his answer in writing. However, he assured them that this did not mean that he was acting as a patron of Catholics, but that he was exercising that "fatherly and pastorly care" required of his office.[116] As Sir John Neale observed, if Parker, who was not an extremist, felt this way, there is no reason to doubt that Montague was correct when he said that the bill received the full support of the bishops.[117]

The second bill dealing with Catholics resulted from debates in the Upper House of Convocation, and was probably drafted, says Strype, by Archbishop Parker.[118] In his opening oration in parliament, Lord Keeper Bacon had made known to the bishops that since they were primarily concerned with doctrine and discipline, the Queen desired that they confer together to determine whether any bills should be exhibited before parliament.[119] The business of preparing such bills was the responsibility of the Upper House of Convocation. Bills could be drafted either by bishops or archbishops, and after they had been corrected and perfected, they were then submitted to parliament.[120]

This particular bill was for the due execution of the writ, De Excommunicato Capiendo. This was a writ which, as early as the thirteenth century, was issued by the Court of Chancery, at a bishop's request, to the sheriff who would arrest and imprison the one who had been excommunicated. Since this was intended only for grave cases, and the procedure was quite cumbersome and tedious, the sheriffs were often unwilling to carry out such writs. The purpose of the bill was to remedy this negligence on the part of the sheriffs.[121] The bill proposed that in the future all such writs be directed not just to sheriffs only, but also to under-sheriffs, justices of the peace, bailiffs, constables, and all other officials in whose circuit excommunicate persons resided. These officials, upon receiving the writ from the Chancery Court, would be authorized to apprehend such persons and imprison them without bail until they agreed to submit to the laws of the Church.[122]

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[116] Parker Correspondence, pp. 174-175.

[117] Neale, I, 121.

[118] Strype, Annals, I, 315.

[119] Neale, I, 96.

[120] Strype, Annals, I, 347, 354.

The bill was introduced into the House of Lords toward the end of the session, and was passed after the third reading on March 29. It was then sent to the Commons where a proviso and a number of amendments were attached to it. These were given three readings by the lords on April 9, and on the following day the Queen gave her assent to the bill.[123]

The other bill which both Queen and bishops supported was concerned with the legality and validity of the consecration of the new bishops and archbishops, and appeared in the second session of this parliament. It was partly the result of a law-suit between Bonner, the Marian bishop of London, and Horne, the new bishop of Winchester. Horne had tendered the supremacy oath to Bonner while he was confined in the Marshalsea which lay within the diocese of Winchester. Bonner had refused the oath, declaring that Horne was not his diocesan, and that Horne was lawfully no bishop at all. This threw suspicion not only on the letters patent issued by the Crown in appointing the bishops, but also on the manner of their consecration.[124]

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[121] Gee, The Elizabethan Clergy, pp. 190-191.

[122] Strype, Annals, I, 308-309.

[123] D'Ewes, pp. 71, 73; L.J., I, 610, 617.

The bill began with a long introduction explaining how statutes had provided for the making of bishops and archbishops in the reigns of Henry VIII and Edward VI, and how they had been repealed by Mary, and then again revived by the Acts of Supremacy and Uniformity in the Parliament of 1559. It showed how the same words were used in Elizabeth's letters patent for confirming and consecrating bishops and archbishops which were used by her father and brother. The bill therefore declared that what had been enacted in the Parliament of 1559 "should stand and remain good and perfect," and that the validity of the consecration of Elizabeth's bishops and archbishops should not be questioned.[125]

Apparently the bishops themselves took the initiative in getting this bill before parliament, for the Spanish ambassador reported that they submitted a petition asking for parliament to confirm them in their offices.[126] The bill passed the Commons and was sent to the lords on October 23, 1566. There it encountered opposition, for even after a proviso was added, eleven of the temporal lords voted against it.[127] The proviso not only ruled out the proceedings against Bonner, but also made the bishops' dealings in property liable to question.[128] The bill with the lords' proviso was returned to the Commons, but then there was a delay which so alarmed the bishops that they met together to decide how they could get the bill passed.[129] The Commons finally passed the bill, but not until they had replaced the lords' proviso with their own, which granted protection to Bonner in return for confirming the bishops and all they had done up to that time except the administration of the supremacy oath. On December 2, the bill was returned to the lords with the Commons' proviso, and it was passed with no opposition the same day. At the end of the session, the bill received the assent of the Queen.[130] What the bishops had set out to do had been achieved--namely to receive confirmation of their consecration from parliament, but they were doubtless dissatisfied with the attached proviso which protected Bonner and did not confirm their administration of the supremacy oath.

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[124] Strype, Annals, I, 528.

[125] Statutes, IV, pt. 1, 485.

[126] Span. Cal., I, 588.

[127] L.J., I, 636, 641. The dissentients were the Earls of Northumberland, Westmoreland, Worcester, and Sussex; Viscount Montague and Lords Morley, Dudley, Darcy, Mounteagle, Cromwell, and Mordant.

### (c) Issues in Parliament On Which Bishops and Queen Disagreed

The first issue of this parliament which showed that the breach between the Queen and her bishops had not completely closed was the major topic of both sessions--the succession question. The Commons had asked Elizabeth to marry in 1559, but they felt the need even more in 1563, for in the previous October, Elizabeth fell victim to smallpox, and at one point she lay unconscious, seemingly near death. Had she died without naming anyone to succeed her, England might have been thrown into civil war since there were several possible claimants to the throne--among them Mary Queen of Scots. Therefore both the Commons and the Lords petitioned her either to marry or to appoint a successor to prevent any such occurrence.[131]

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[128] Span. Cal., I, 596.

[129] Ibid., I, 600.

[130] Statutes, IV, pt. 1, 486; C.J., I, 78; L.J., I, 651; D'Ewes, p. 110.

There is good reason to believe that the bishops whole-heartedly supported these petitions, for in a letter thought to have been written in 1560, Parker and the bishops of London and Ely[132] had told Elizabeth that because of the loyal obedience and allegiance which they owed her, they felt it was part of their responsibility "to be solicitous in that cause" which all her subjects daily longed for. They told her that they all wished to see her inclined to marriage so that she might continue to reign over them with great joy, and so that the ruin of her empire and the destruction of her subjects might be prevented. "We cannot but fear this continued sterility in your Highness' person to be a great token of God's displeasure toward us," they wrote, and concluded the letter by assuring her that they were not advising her as councillors in policy, but as ministers of Christ.[133] We have no reason to suppose that their attitudes had changed by 1563, especially since the Queen's illness had occurred after their letter had been written.

Elizabeth's reply to the Commons' petition was that she would defer her answer until a later time.[134] The lords seem to have petitioned her twice. According to the Spanish ambassador, their first appeal made her "extremely angry."[135] However, the Spanish ambassador again reported that a proposal was made to the lords on the Queen's behalf that the succession be regulated by an act of parliament which would limit the right of succession to four families from which Elizabeth could choose her successor.[136] Apparently disappointed with this proposal, the lords again petitioned the Queen, only this time they merely asked her to marry.[137] Like the Commons they had received no answer by the time the first session was prorogued.

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[131] Neale, I, 86ff. See also Neale's article, "Parliament and the Succession Question in 1563 and 1566," EHR, XXXVI (1921), 497-520. A recent book on this issue is Mortimer Levine, The Early Elizabethan Succession Question, 1558-1568 (Stanford, 1966).

[132] Grindal and Cox

[133] Parker Correspondence, p. 131.

[134] C.J., I, 64.

[135] Span. Cal., I, 296.

On October 18, 1566, the succession problem was again raised in the Lower House when a motion was made to revive the suit to Elizabeth concerning her declaration of a successor. The next day Cecil and Sir Francis Knollys reported to the Commons the Queen's intention to marry, but this did not satisfy the majority who demanded an answer from her as to who her successor would be. They therefore appointed a committee to ask the lords to join them in their suit.[138] The request was made on October 21, and the Lords said they would have an answer the next day. Instead, they chose twenty of their number to appear before Elizabeth on the 22nd. Included among the twenty were Young, archbishop of York, and Bishops Grindal of London, Pilkington of Durham, and Horne of Winchester.[139] They reported to Elizabeth the wishes of the Commons, and requested that she either give parliament a definite answer or else dissolve parliament. She replied angrily that the Commons had no business meddling in her affairs. She assured them that she would consult with half a dozen expert lawyers, and when she had received their advice, she would inform them of her decision. With that she dismissed the lords.[140]

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[136] Ibid., I, 315.

[137] Neale, I, 112, citing B.M. Harleian MS. 5176, fol. 93.

[138] C.J., I, 74-75.

[139] L.J., I, 635; D'Ewes, p. 101.

[140] Neale, I, 141-142, citing the report of La Forêt, the French ambassador, which is in the Murray MSS.

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[139] L.J., I, 635; D'Ewes, p. 101.

[140] Neale, I, 141-142, citing the report of La Forêt, the French ambassador, which is in the Murray MSS.

Not until three or four days later did the lords tell the Commons that they would join them in their suit to the Queen for her marriage and for the succession.[141] On October 30, the lords appointed twenty-eight temporal lords and eight bishops (Grindal, Pilkington, Horne, Sandys, Bullingham, Guest, Bentham, and Young) to confer with those appointed by the Commons.[142] The following day the Commons appointed a number of their members to confer with the lords' committee.[143] When the committees met on November 2, they failed to reach any decision, so they adjourned until the 4th, when they agreed to again petition Elizabeth to deal with the succession problem. However, before they could do so, the lords were ordered to have thirty from each House to meet with the Queen at her palace in the afternoon of November 5. Included in the lords' delegation were three bishops: Young, Grindal, and Pilkington.[144]

When the delegations appeared before her, Elizabeth opened her speech with a fiery prologue against the Commons and bishops, but not the temporal lords. In the prologue she referred to lengthy orations which had been delivered in the Upper House by two bishops, but she did not say who they were or what they said. Then about midway through her speech, she turned specifically to the three bishops with these bitter words:

> Well, there hath been error: I say not errors, for there were too many in the proceeding in this matter. But we will not judge that these attempts were done of any hatred to our person, but even for

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[141] L.J., I, 638, says it was October 26, while C.J., I, 75, says it was the 25th. Neale says the latter was most likely. Parliaments, I, 146-150.

[142] L.J., I, 639; D'Ewes, pp. 102-103.

[143] L.J., I, 640; D'Ewes, p. 126.

[144] L.J., I, 641; D'Ewes, p. 103; William Murdin, ed., Burghley State Papers (London, 1759), p. 762.

> lack of good foresight. I do not marvel, though Domini Doctores with you my Lords, did so use themselves therein, since after my brother's death they openly preached and set forth that my sister and I were bastards. Well, I wish not the death of any man, but only this I desire: that they which have been the practisers herein may before their deaths repent the same, and show some open confession of their fault, whereby the scabbed sheep may be known from the whole.[145]

She again assured her hearers that she would marry as soon as it was convenient, provided nothing happened to her or to the one she planned to marry. She also stated that if she did marry, it would be for the purpose of having children. As for the limitation of the succession, she said the time was not yet convenient, but as soon as it was, she would inform them without being asked.

The report of the bishops' speeches in the House of Lords, and the specific rebuke given the spiritual lords by the Queen are certainly indications that they were among the leading agitators in the Lords. Unlike the Commons, who insisted on continuing the discussion of the succession, the lords seem to have ceased their agitation. According to the Spanish ambassador, many of them had asked her pardon, saying that they had never intended to offend her, and promising that they would conform to her will.[146] Furthermore, it was to the Commons that the

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[145] The Queen's entire speech is printed in Neale, I, 146-150, and is taken from the Cambridge Univ. Library MS. Gg. III. 34 fols. 208 seqq. The Spanish ambassador also gave a report of the speech in which he said that Elizabeth told the bishops that they should be occupied with their own reform, and be good examples in their own lives and families instead of interfering in such matters as the succession. Span. Cal., I, 593-594. However, since the speech printed by Neale was recorded by an eyewitness, it is the most reliable.

[146] Span. Cal., I, 595.

Queen twice more sent orders not to discuss the succession. Before the session was over, however, she withdrew her orders when they began discussing them as violations of the freedom of speech. This led the Commons to cease their agitation as well.[147]

The other issue which got the bishops into trouble with the Queen in this session was a "bill with a little book printed 1562, for the sound Christian religion." The purpose of the bill was two-fold: to give statutory authority to the Thirty-Nine Articles of Religion which had been formulated and accepted by Convocation early in 1563, and to further enforce the Act of Uniformity. The bill was introduced into the Lower House on December 5, and is referred to by the Clerk as Bill A. It was not an official bill, nor did it originate either from Convocation or from the bishops. It was most likely devised by certain of the clergy who were Protestant extremists, and was sponsored by their friends in the Commons.[148] It passed the Commons on the 13th, and was sent up to the lords where it was read the following day.[149] However, at this point Elizabeth ordered the Lord Keeper to stop the discussion of the bill. She stopped it not because she disliked the Thirty-Nine Articles, but because it was an ecclesiastical bill which had been introduced into parliament without her knowledge and consent. Such action not only infringed on the rights of Convocation, but also on the royal prerogative. When the bishops, who had already subscribed to the Articles in the Convocation of 1563, saw that the progress of the bill had been interrupted, they pressed so strongly for a second reading that the Lord Keeper had to inform them that Elizabeth had forbidden any further discussion of it.[150]

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[147] Neale, I, 151 ff.

[148] C.J., I, 79; Span. Cal., I, 603; Parker Correspondence, p. 291; Neale, I, 166.

[149] When the bill was brought into the Lords, Bishop Cheyney of Gloucester protested against the clause on the Eucharist in the twenty-eighth article which said that the body of Christ should be eaten "only after an heavenly and spiritual manner." He argued instead for the Lutheran doctrine of the Real Presence. Z.L., I, 185.

On December 20, Archbishops Parker and Young went to speak with the Queen. According to the Spanish ambassador, she refused to see them for two days, and then when she did, they were treated in such a manner that when they left they were "very crestfallen."[151] What Elizabeth had done was blame the bishops for originating the bill in the first place, but Parker and Young denied that the bishops had had any part in it. In a letter to Cecil, Parker said that he had not even known anything about the bill, and that he was absent when it was read by the lords.[152] After chiding the archbishops, Elizabeth ordered them to investigate the other bishops and report back to her what they found. The report was made on December 25, and she was satisfied that they had not been responsible for the bill.[153]

Meanwhile, the day before, the two archbishops and all but eight of the bishops submitted a petition to Elizabeth, asking her to lift her veto and permit the lords to continue on with the bill.[154] In the event that it was passed, they requested that she give it her assent. In the petition the bishops presented five reasons why it should be enacted, the most important being the need for uniformity in doctrine.[155]

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[150] C.J., I, 80; L.J., I, 658; Span. Cal., I, 606; Parker Correspondence, p. 292.

[151] Span. Cal., I, 606.

[152] Parker Correspondence, p. 291. Parker's absence is verified by the Journal, L.J., I, 658.

[153] Parker Correspondence, p. 291.

[154] Those who did not sign the petition were Jewel of Salisbury, Berkeley of Bath and Wells, Alley of Exeter, Parkhurst of Norwich, Scambler of Peterborough, Best of Carlisle, Cheyney of Gloucester, and Jones of Llandaff, all of whom were absent on December 24. Thus it was not just the progressives who supported the bill. Z.L., I, 185.

Despite their requests, Elizabeth did not permit Bill A to proceed any further--not because she was still angry with the bishops, but because she had to teach the Commons that they had no right to introduce ecclesiastical bills into parliament which infringed on her ecclesiastical supremacy. Thus when the Queen dissolved her second parliament, the succession question was still unanswered, and the Thirty-Nine Articles had not been given statutory authority. On both, the bishops had tried and failed.

## 4. Parliaments 1571-1581

Between the dissolution of Parliament in 1566, and the calling of a new one in April, 1571,[156] a number of events had occurred which would not only affect the proceedings and activities of both Houses, but also the relationship between the bishops and the Queen on the one hand, and the bishops and the Commons on the other. These events took the form of two threats to the Elizabethan settlement. One was external while the other was internal. The former was the danger of Catholic conspiracy;

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[155] Parker Correspondence, p. 294.

[156] Parliament again met on April 2nd, 1571, and was dissolved on the 2nd of May. Elizabeth's fourth parliament consisted of three sessions. It opened on May 8, 1572, and was prorogued on June 30th. The second session began on February 8, 1576, and was prorogued on March 15. The third session convened on January 16, 1581, and was prorogued on March 18. Parliament then went through eighteen more prorogations until its dissolution on April 19, 1583. The sessions of the Parliament of 1572 will be referred to as the parliaments of 1572, 1576, and 1581.

the latter was the growing spectre of Puritanism.

In 1567 a second religious war broke out in France, and rebellion erupted in the Netherlands against Spain. The response by the Duke of Alva sent many refugees scurrying to England to add stimulus to the fear of Catholic conspiracy at every hand. In the spring of 1568, Mary Queen of Scots fled to England, thus adding to the suspicion of conspiracy there in support of her claim to the throne. The following year conspiracy changed from suspicion to reality in the Northern Rebellion. Finally in 1570, the pope issued a bull deposing Elizabeth and releasing her subjects from all allegiance to her, in effect making any Catholic in England appear as a traitor.

Up until now, the words "Puritan" and "Puritanism" have scarcely been used, although they first came into the vocabulary of contemporaries during the vestments controversy of 1563-1567.[157] It is not our purpose here to go into a lengthy discussion of Puritanism, for books have been written on this somewhat elusive phenomenon of Tudor and Stuart England.[158] However, a few words need to be said here as background for later developments in this chapter and the next. Since the term "Puritan" was born during the vestments controversy, it at first applied to anyone who wished to purify Church ceremony and practice from what he regarded as "popery." Since then, the term has taken on other interpretations such as Separatism, Presbyterianism, and Congregationalism.

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[157] Collinson, Elizabethan Puritan Movement, p. 60.

[158] The following brief generalizations are derived largely from Collinson and M. M. Knappen, Tudor Puritanism (Chicago, 1939), but see also such books as William Haller, The Rise of Puritanism (New York, 1938), Charles H. and Katherine George, The Protestant Mind of the English Reformation, 1570-1640 (Princeton, 1961), and Ronald A. Marchant, The Puritans and the Church Courts in the Diocese of York, 1560-1642 (Aberdeen, 1960).

There are several snares into which it is easy to fall in trying to define Puritanism. First, the terms "Puritanism" and "Anglicanism" should not be regarded as being in conflict with each other. Puritanism was in the mainstream of the English reformation, and most of the Elizabethan clergy including the progressive bishops, were Puritan and Anglican. Second, although modern historians have tended to see in Puritanism the essential unity of a wider phenomenon, it must not be interpreted as being the same in one period of the sixteenth century as it was in another, or the same in the sixteenth century as it was in the Stuart period. As we shall see, the progressive bishops who sympathized with the early Protestant extremists, refused to accept the Presbyterianism of Thomas Cartwright, the Marprelate tracts, and the Separatism of Henry Barrow, Robert Browne, and John Penry.[159] It must be remembered that Separatism and Presbyterianism was held only by the minority of Englishmen during Elizabeth's reign, and not until the 1640's did either become a formidable opponent of traditional ecclesiastical organization. Thus there were Episcopalian, Presbyterian, Separatist, and Congregationalist Puritans. The Elizabethan progressives never became more than the first and from 1571 to the end of the reign, they defended themselves against the others.

With this brief background we turn to the third and fourth parliaments of Elizabeth. The main questions we will want to keep in mind as we look at Parliament during this decade is what changes, if any, occurred in the relationship between the Queen and her bishops. Were there any sharp clashes between them as there had been in the last parliament? On what issues did they agree or differ. The answers to these questions will show how much, if any, the breach we have been concerned with continued to narrow.

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[159] See Donald J. McGinn, John Penry and the Marprelate Controversy (New Brunswick, 1966), who believes that Penry was the sole author of the Marprelate tracts. See also his earlier work, The Admonition Controversy (New Brunswick, 1949).

Elizabeth was not anxious about calling another parliament in 1571, but since both financial and political reasons forced her to, she wanted to make sure that the right type of persons would participate in it--persons who would not resume agitating her about such things as marriage and the succession. She therefore had her council address a letter to Parker informing him of her intention of holding another parliament in April. It is in this instance that we get a glimpse of an archbishop acting as an election agent, for in the letter Parker and the lord warden of the Cinque Ports were directed to confer with the sheriff and chief persons in the counties and boroughs so that persons "well qualified with knowledge, discretion, and modesty" might be chosen.[160]

However, the major topic of the Parliament of 1571 was not the marriage and succession problem, but religion. It was a topic made urgent by the critical state of affairs presented at the opening of this section. Edwin Sandys, now bishop of London, helped to set the tone for parliament by his sermon at Westminster Abbey.[161] It was an impassioned appeal to all those present to have done with Catholicism, and to purge the Church from false doctrine, idolatry, superstition, and simony. It is interesting to note that Sandys used the same argument against Catholicism that the

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[160] Parker Correspondence, pp. 380-381.

[161] Sandys' sermon is printed in The Sermons of Edwin Sandys, edited for the Parker Society by John Ayre (Cambridge, 1841), XLI, 39 ff. It is not dated, but Neale says there is no question but that it was given at this time. Parliaments, I, 186 n.

Marian bishops had used for defending it in the Parliament of 1559--uniformity. He declared that freedom to openly profess diversity of belief was dangerous to the commonwealth. In his words: "Division weakeneth; concord strengtheneth. . .Let conformity and unity in religion be provided for, and it shall be as a wall of defense unto this realm . . ." These were significant words to be used by a progressive who at the beginning of the reign was expressing dissatisfaction with the Elizabethan settlement. It looks as if Sandys was already beginning to change from the reformist to the conformist.

### (a) Issues on Which Queen and Bishops Disagreed

The first bill to come before parliament was entitled "A bill concerning coming to the church and receiving of the communion," and it was introduced into the Lower House on April 4.[162] The bill not only proposed the enforcement of church attendance, but also the taking of communion, as the title shows. We do not know who was responsible for introducing the bill, but a statement made in Sandys' sermon to the effect that peace and prosperity would result from "compelling all subjects to hear God's word and receive the sacraments" is an indication that he supported, if not sponsored the bill.[163] It is quite certain that the other bishops favored it as well, for as we shall see, they supported similar bills in the next parliament. It is also just as certain that the bill did not have the Queen's blessing, for she vetoed it after both Houses passed it. It may have been introduced by some members of the Privy Council without consulting with Elizabeth.[164]

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[162] C.J., I, 82; D'Ewes, p. 156.

[163] Sandys' Sermons, pp. 53-54.

[164] Neale, I, 193.

While the bishops may have favored the bill, it is not likely that they were the authors of it, for after the second reading of the bill, Sir Thomas Smith, a member of the Council, suggested that the bishops be consulted. The Recorder of London, William Fleetwood, who was also a Puritan lawyer, opposed such a move saying that such questions were of direct concern to the Commons. He suggested instead that the bill be submitted to a committee of the Lower House because the bishops would be too slow. It was clearly a contest between the Queen and Council who wanted the bishops consulted, and the Puritans in the Commons who did not. The latter prevailed, for the bishops were not consulted.[165]

The bill came before the lords on May 5, after having undergone lengthy debate and various modifications in the Lower House. It was voted on and passed on the 17th with four lay dissenting votes. Apparently the bill had been altered in the Lords, for when it was sent back to the Commons, they called for a consultation. The result was a week of discussion and exchanging of the bill between the two Houses until they finally reached agreement. Final passage in the Lords came on the 25th, but it was vetoed by the Queen, for it was never her policy, as she said, "to open windows into men's souls."[166]

While it seems that most of the bishops favored the bill, at least one did not. This was Edmund Guest of Rochester who sent a letter to Cecil, now Lord Burghley, in which he said that while it was lawful to enforce church attendance, it was not lawful to force anyone to take communion.[167] This is not surprising, since he, like Cheyney of Gloucester, supported the Lutheran view of communion rather than the interpretation of the Thirty-Nine Articles. Despite Guest's dissatisfaction with the bill, the Journal does not indicate that he voted against it either on May 17, or 25.

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[165] C.J., I, 83; Strype, Annals, II, 63; Neale, I, 195-196.

[166] C.J., I, 88; L.J., I, 681-688, 697; Neale, I, 215-216. The dissenters were the Earls of Worcester and Southampton, and Lords Windsor and Vaux.

Toward the end of the first session of the Parliament of 1572, some of the bishops tried to revive this bill for church attendance and the receiving of communion, for we learn from a letter sent by Grindal, then Archbishop of York, to Lord Burghley that on June 1, 1572, Grindal and a number of the other bishops not named approached the Queen about it. This had been at the request of the House of Lords, and the bishops had the articles of the bill ready to read to her, but Elizabeth said she was too busy at the moment to hear it. She therefore instructed them to give it to Burghley from whom they would receive her answer. Apparently Elizabeth had not changed her mind, for nothing resulted from the bishops' request.[168]

The bill appeared again in the Parliament of 1576, and was introduced into the House of Lords on February 13, where it was given a first reading. Following the second reading on the 15th, it was submitted to a committee including Sandys of London, Cox of Ely, Curteis of Chichester, and Cooper of Lincoln.[169] When the bill next appears in the Journal on March 3, it is under the shortened title of "A bill for coming to church." Apparently the committee had deleted the communion clause to get the Queen's support. However, after the first reading on the same day, it is not mentioned again. Obviously Elizabeth did not find even the lords' compromise bill acceptable.[170]

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[167] White, Elizabethan Bishops, p. 30 n.; Cal. S.P. Dom. Eliz., LXXVIII, 37; Frere, The English Church, p. 164; L.J., I, 688, 697.

[168] Neale, I, 304; Cal. S.P. Dom. Eliz., LXXXVIII, 5.

[169] L.J., I, 731-732; D'Ewes, p. 228. Collinson, Elizabethan Puritan Movement, p. 164, says Grindal was a member of the committee also, but the journal does not show that he was.

Had the bishops been responsible for re-introducing the bill? It certainly looks as if they were, and that they did it under the leadership of Grindal who had been a strong opponent of recusancy in the province of York, and who was now the successor to Parker who had died in May, 1575. The bishops' action shows that they were more willing than the Queen to impose severe penalties on Catholic recusants.

This was still not the last of such a bill. Early in the Parliament of 1581 the "bill for the coming to church, hearing of divine service, and receiving of the communion" was introduced into the House of Lords. It imposed a penalty of twelve pounds on anyone who neglected to attend church once a quarter. Anyone who neglected to take communion twice a year was to be fined twenty pounds for the first offense, and if he offended as much as four times, the penalty was one hundred pounds--a bill even more strict than the one Elizabeth had vetoed in 1571. The lords gave it one reading on February 6, and it was heard of no more.[171] Had the bishops been at it again? They probably had, for the Catholic threat had become even more critical by 1581. Since 1579, Elizabeth had been fighting papal forces in Ireland, and in 1580 Jesuit missionaries began streaming into England. Perhaps the bishops thought that the Queen would change her mind, but they were obviously wrong. Four times she had found it necessary to refuse a bill which her bishops tried to get enacted, yet as far as we know, there was no sharp interchange as there had been in her second parliament.

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[170] L.J., I, 740; Collinson, p. 164; Neale, I, 349.

[171] L.J., II, 29; Neale, I, 386.

Another issue arising out of the menace of Catholic conspiracy was the problem of Mary Queen of Scots in the Parliament of 1572. In September of the previous year the Ridolfi Plot had been unveiled--a plan to free the Scottish Queen to marry the Duke of Norfolk, and to restore Catholicism to England by deposing or possibly even disposing of Elizabeth.[172] The discovery of the plot had a shattering effect on public opinion, and although the Duke of Norfolk had been tried and found guilty of treason, he was still alive when parliament met, as was Mary Queen of Scots. To make matters even worse, Elizabeth had again fallen so ill the latter part of March, 1572, that she thought for a time she might not live. The main reason, therefore, for calling parliament, according to the Lord Keeper in his opening oration, was to establish legislation for the Queen's safety.[173] In order to do so, both Lords and Commons sought the deaths of Norfolk and the Scottish Queen.

On May 12, 1572, two of the lords appeared before the Commons requesting them to come to the Upper House. This being done, the Commons were told by the Lord Keeper that it was the Queen's wish for committees from both Houses to meet her learned counsel the next morning in the Star-Chamber to discuss the matter of the Scottish Queen. According to Thomas Cromwell, a diarist in the Commons, the lords sent forty-four, and the Commons twenty-two.[174] Included in the lords' delegation were Parker of Canterbury, Grindal of York, Sandys of London, Horne of Winchester, Cox of Ely, Cooper of Lincoln, and Freke of Rochester.[175]

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[172] For a recent interpretation of the plot, see Francis Edwards, S.J., The Dangerous Queen (New York, 1966).

[173] D'Ewes, pp. 192-193.

Two days after the joint committees heard the details of the Scottish queen's designs against Elizabeth, the lords asked that they again meet to discuss how they should proceed against Mary.[176] The result was two bills drafted by the joint committees. One was to attaint the Scottish queen of high treason and to have her executed. The other was to prevent her from succeeding to the throne. Elizabeth approved the latter, and while she did not reject the former, she expressed her desire to defer it for the time being.[177] Nevertheless, the Commons decided to proceed against Mary "in the highest degree of treason," and to do it immediately.[178]

Unfortunately we know very little about what was going on in the House of Lords during these days, because the Lords Journal is silent, and there were no diarists as in the Commons. We learn from the Commons Journal, however, that on May 21, several M.P.'s took three bills to the lords which the Commons had passed, and got their approval of the Commons' resolution.[179] After meeting together again, the joint committees informed Elizabeth of the wishes of both Houses. She replied that although she appreciated their concern for her safety, she still desired to have the first bill postponed and to proceed with the second. Still the

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[174] C.J., I, 94; Neale, I, 247.

[175] L.J., I, 706; D'Ewes, p. 197.

[176] Neale, I, 248-250; C.J., I, 95.

[177] Neale, I, 258.

[178] C.J., I, 96.

[179] Ibid.

Commons unanimously insisted on the first bill as well, and told the lords that the execution of Norfolk in this session was an absolute necessity for ensuring the Queen's safety.[180]

The lords replied that they did not wish to petition the Queen for Norfolk's execution, for they had tried him earlier, but that they favored the Commons' opinion. They did, however, agree to join the Commons in proceeding with the bill for Mary's execution, and requested another meeting of the joint committees.[181] From an anonymous diarist who was present at that meeting, we learn that the bishops, the laity, and the civil lawyers were to set down in writing arguments that would influence Elizabeth to support both bills.[182]

The responsibility of the bishops was to appeal to the conscience of their Queen. This they did by arguments based on the Old Testament, supplemented by precedents of ancient classical history. Since it was the duty of every magistrate of God to administer justice "severely," they warned that failure to punish Mary "in the highest degree" would be an offense of conscience before God. Mary had been placed in her hands by divine providence. Now it was Elizabeth's responsibility to deal with her. They declared that since Mary was the only hope of God's enemies (Catholics) throughout all Europe, they would be dealt a crushing blow if Mary was executed, but if she was spared, God might permit her to depose Elizabeth. At the end of their lengthy dossier the bishops set down a number of objections which they anticipated Elizabeth would use, and answered each one with scriptural references.[183]

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[180] Ibid., I, 97. [181] Ibid., I, 98. [182] Neale, I, 268.

[183] Ibid., I, 269-271, citing B.M. Cotton MS. Titus F.I, fols. 172-186.

Although the Duke of Norfolk was not included in the bishops' petition, there is no reason to believe that they wished him to be spared any more than the Queen of Scots. We know that Parker desired his execution, for in a letter to Burghley on May 19, he not only questioned why Barker, a servant of the Duke, was still spared, but affirmed that peace and tranquillity would not prevail until "that *homo peccati*" (Norfolk) be given what he justly deserved.

Elizabeth gave the same answer to the delegation sent to petition her that she had given before. Both Houses were informed that she agreed that their proposal was the safest way, but that she still determined to defer the first bill for the time being, and to go forward with the second as quickly as possible. Although she knew this was not as much as they wanted, she urged them to be satisfied with what she gave them and to argue the matter no further until the moderate bill was drafted.[184]

On May 28, the lords requested that certain of the Commons meet with six of the lords in the presence of the judges. Two of the six were bishops: Archbishop Parker and Cooper of Lincoln.[185] The purpose of the meeting was evidently to discuss the drafting of the second, more moderate bill against Mary. It was introduced into the Lords on the 31st, and was passed on June 5. The same day it was sent down to the Commons with the lords' recommendation and a request that the Commons read the bill the same day.[186] Among other things, the bill declared that Mary was incapable of succeeding to the throne. Any attempts during Elizabeth's life to do so would be regarded as high treason, and would subject her to the penalties of such.

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[184] *Parker Correspondence*, pp. 391-392.

[185] *C.J.*, I, 98.

[186] *Ibid.*, I, 99; D'Ewes, p. 199.

After the second reading of the bill by the Commons on June 6, it encountered much debate and criticism. Four days later a committee from the Commons was chosen to meet with a committee from the lords which included the following bishops: Grindal of York, Sandys of London, and Horne of Winchester. Elizabeth adjourned parliament from the 11th to the 24th, on which day the bill was sent to the Lords for their consideration. It was back in the Commons on the 25th for its final reading and passage. The next day the lords passed the bill with the Commons' ammendments and proviso which stated that no title should be implied for the Scottish Queen at all.[187] Now it was left up to Elizabeth.

However, when the time came for the royal answer at the close of the session, the Queen informed both Houses through the Lord Keeper that although she liked the substance of the bill, there were some parts of it which needed further consideration. She would therefore neither accept nor reject it. What a disappointment it must have been to the Commons, the lords temporal, and the bishops who had reluctantly, though willingly, given in to their Queen by accepting her moderate bill, and now even that had come to naught![188]

There was still another matter arising out of the Roman Catholic threat on which the bishops apparently expressed themselves in the Parliament of 1572. According to a dispatch sent by the Spanish agent,

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[187] L.J., I, 715, 717, 721, 723; C.J., I, 100, 102. For a detailed description of the bill's contents, see Neale, I, 281-283, citing Cotton MS. Caligula B VIII, fols. 240-246.

[188] Neale, I, 309-312.

Antonio de Guaras to the Duke of Alva in the Netherlands, "great efforts" were being made in parliament especially by the bishops to have a declaration of war made by England against Spain.[189] There is no evidence that there was any bill drawn up to this effect, nor is there any reason to believe that Elizabeth would have favored any such action at this time.

## (b) Issues On Which Queen and Bishops Agreed

We turn then to those issues which the bishops faced in parliament as a result of the internal threat of Puritanism, and on which they and Elizabeth found common agreement. We will first examine three measures raised in the Commons by the Puritans and their supporters which were attempts at modifying the doctrine, worship, and discipline of the Church: revision of the canon law, purging the Prayer Book of "popish" ceremonies, and limiting subscription to the Thirty-Nine Articles.

The first was raised in a speech delivered by William Strickland, M.P. for Scarborough, on April 6, 1571, in which he called for the acceptance of the *Reformatio Legum*, the body of canon law which had been revised by Cranmer during the reign of Edward VI. Strickland proposed that a committee of the Commons meet with the bishops to try to obtain their support. This was done, but the bishops refused to go along with the proposal.[190]

In the same speech Strickland called for changes in the Prayer Book, but nothing came of this either.[191] However, another attempt was made in the Parliament of 1572, this time in the form of a bill. It went under the title, "the bill for rites and ceremonies," and was introduced by the

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[189] *Span. Cal. Eliz.*, II, 392. It was sent on May 24, 1572.

[190] *C.J.*, I, 83; Neale, I, 196-197.

[191] *Ibid*.

Puritans in the Commons on May 17, 1572.[192] The bill encountered much debate, and a number of the most radical clauses were removed. The final version stated that since the Act of Uniformity had not eliminated all Catholic rites and ceremonies from the Prayer Book, the lower clergy (meaning Puritan ministers) should be permitted to omit certain parts of the Prayer Book if most of the bishops granted such permission. Furthermore the bill enforced the Act of Uniformity against Catholic recusants only, and criticized the punishment for the slightest deviation from the Prayer Book.[193]

After the first reading of the final version, Elizabeth instructed the Speaker that henceforth no ecclesiastical bills should be introduced into the Lower House until the clergy had given their approval.[194] With that, the matter was dropped as far as parliament was concerned. Since the bill never got to the House of Lords, the bishops had no opportunity to act on it. However, there is some reason to believe that they may have had something to do with halting it in the Commons. We know that Peter Wentworth, a Puritan M.P., thought so. In his speech before the Commons during the next session, he referred to the Queen's instructions to not deal with religious matters before receiving them from the bishops as "a doleful message," and added that he was certain the bishops were "the cause" of that message.[195]

The third issue was Puritan criticism of certain of the Thirty-Nine

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[192] C.J., I, 95.

[193] A comparison of the earlier and later forms of this bill are given in W. H. Frere and C. E. Douglas, eds., Puritan Manifestoes (London, 1954), pp. 149-151.

[194] C.J., I, 96-97; D'Ewes, p. 213.

[195] D'Ewes, pp. 239-240.

Articles drawn up by the Convocation of 1563. We have already seen that the attempt by both Houses to give statutory confirmation to the Articles in Bill A of the Parliament of 1566 had been foiled by the Queen. Since that time, certain of the Articles had become offensive to the Puritans, but the bishops were unwilling to tolerate any parliamentary censorship even though they desired uniformity of doctrine. In order to add weight to their position, the bishops suggested that a committee of spiritual and temporal lords meet with a committee from the Commons to discuss the Articles. At that meeting on April 10, 1571, the Commons were given two alternatives: either to continue conferring with the lords' committee, or else "to stand at the direction of the bishops." The former was accepted.[196]

Since Bill A was no longer acceptable to the Puritans in the Commons, it was scrapped, and a new one was substituted for it entitled "the bill for conservation of order and uniformity in the Church."[197] This bill provided for statutory confirmation to most of the Articles, but not to all of them, and certain provisions for their enforcement. After it was drafted, it was presented to Archbishop Parker who delivered a reply to Wentworth and five other M.P.,'s on April 25.[198] The archbishop asked them why they had omitted the Articles for the Homilies, consecrating of bishops, and others.

Wentworth replied, "Surely sir, because we were so occupied in other matters that we had no time to examine them, how they agreed with the word of God."

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[196] C.J., I, 83-84; L.J., I, 672; Neale, I, 196-198; See also Neale's article, "Parliament and the Articles of Religion, 1571," EHR, LXVII (1952), 514-515.

[197] C.J., I, 86; The Lords Journal refers to it as "the bill for conservation of order and uniformity in religion." L.J., I, 678.

[198] C.J., I, 86; D'Ewes, p. 179.

"What!" said Parker, "Surely you mistook the matter. You will refer yourselves wholly to us therein."

"No, by the faith I bear to God!" replied Wentworth. "We will pass nothing before we understand what it is, for that were but to make you popes. . . ."[199]

The new bill passed the Commons, and came before the lords, who gave it a first reading on April 28.[200] However, that is as far as it got, for on May 1st the lords told the Commons that Elizabeth had been informed about the Articles, and that although she liked them very much and intended to publish them, she would have them executed by the bishops "by direction of her . . . authority of supremacy of the Church of England" rather than having them dealt with by parliament.[201]

When the Commons learned what the Queen had done, they turned their attention to another bill concerning the Articles which the Clerk refers to as Bill B. It was drafted by the Commons in consultation with the committee of bishops and temporal lords, and was given a first reading on April 10.[202] The wording of the bill showed that the Commons were willing to compromise with the bishops. That is, they would sanction all clerical subscription to the Articles as drawn up in 1563, or as they were now being modified in Convocation. However, they inserted a clause which said the clergy would be required to subscribe only to those Articles which were confirmed by the bill which Elizabeth had halted. Since that bill had confirmed only those doctrinal articles on which there was no disagreement between Puritans and non-Puritans, it meant that Puritan ministers would not have to subscribe to those non-doctrinal articles which they could not accept. It meant also that subscription to the doctrinal articles only, would be used as the test for lay as well as clerical orthodoxy. Although we are not told what the attitude of the bishops was toward this limitation, certainly the majority of them could not have condoned it. Despite the probable opposition of the bishops, Bill B was finally concluded in the House of Lords on May 23, and was enacted at the end of the session. While Elizabeth did not veto the bill, she certainly could not have been any more pleased with it than were the bishops.[203]

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[199] D'Ewes, pp. 239-240.

[200] L.J., I, 677.

[201] C.J., I, 87.

[202] Neale, I, 204; C.J., I, 84.

It is obvious that most of the activity in the Parliament of 1571 was in the House of Commons, and that it is through statements made there that most of our knowledge of the bishops' stand on various issues is discovered. We cannot help but agree with Neale when he says that this parliament was a significant turning point in which the bishops and the Commons clearly came to a parting of the way.[204] Whereas the bishops supported the Commons on trying to achieve statutory confirmation of the Thirty-Nine Articles in 1566, the program of the Puritans in 1571 broke down that harmony. From now on, the bishops, who had once been on the left, would now find themselves most frequently on the right, the objects of Puritan attack.

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[203] C.J., I, 87; L.J., I, 680, 682, 684, 691, 694; Statutes, IV, 546. For a discussion of this complex account, see Neale's article in EHR, LXVII, 510-521.

[204] Neale, I, 180-181.

This became most apparent in the Admonition Controversy which arose toward the end of the Parliament of 1572 with the appearance of a tract entitled An Admonition to the Parliament.[205] It boldly proposed the substitution of the episcopate for the Presbyterian form of organization in the Church along the lines suggested by Thomas Cartwright, Lady Margaret Professor of Divinity at Cambridge, in his lectures on the Acts of the Apostles.[206]

The response of the bishops was immediate. Cooper of Lincoln delivered a sermon against it on June 27, 1572, at Paul's Cross.[207] John Whitgift, Master of Trinity College, Cambridge, and future archbishop of Canterbury, was appointed to draw up a defense. Now, even those progressive bishops who had previously sympathized with the Puritans began changing their tune. Grindal of York, who had been reluctant to conform to Elizabeth's orders for uniformity while bishop of London, complained to Bullinger about the Presbyterian proposals.[208] Sandys, who had criticized the ornaments proviso in the Act of Uniformity, now warned that the Puritan demands would cause the ruin of the Church, and referred to those responsible for the tract as "authors of sedition."[209] Even Pilkington of Durham, who had been lenient with Puritans, and had refused to enforce regulations, admitted his disillusionment.[210] Scambler of Peterborough was now not only concerned about attempts to reorganize the Church, but requested assistance from Cecil in dealing with those Puritans in his diocese who did not conform to the ceremonies prescribed by the Prayer Book.[211]

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[205] Printed in Frere and Douglas, pp. 8-19.

[206] The standard work on Cartwright is Andrew F.S. Pearson, Thomas Cartwright and Elizabethan Puritanism: 1535-1603 (Cambridge, 1925).

[207] For a violent and lengthy reply to Cooper's sermon, see Strype, Annals, II, 192-204.

[208] The Remains of Edmund Grindal (Parker Society, ed., William Nicholson; Vol. 19, Cambridge, 1841), p. 211.

[209] Z.L., I, 295-296. Sandys was referring to John Field and Thomas Wilcox.

By the summer of 1573, the Admonition Controversy had reached its peak, and after that the threat appears to have become much less overt. In July Cox was reporting that the Puritans scarcely troubled the bishops any more except for complaining about the rites "like ghosts in the dark," and that the troublemakers were now restrained and vanquished.[212] Cox was right about their having been restrained, for the authorities acted to enforce censorship and uncover the hidden Puritan press. A warrant was issued for the arrest of Cartwright, but he fled from England. However, Cox was wrong in reporting that the Puritans were vanquished. Instead, the movement went underground.

Archbishop Parker was not as optimistic as Cox, for prior to the opening of the Parliament of 1576, he told Burghley that there was "very great talk for terrible things to be contrived the next parliament against the clergy."[213] Although the things he feared were not as terrible as he probably expected, the bishops did come in for criticism from Puritans in the Lower House in 1576. The most serious attack came from Peter Wentworth's famous speech in which he not only castigated the bishops for their actions in the last session, but in which he also openly criticized the Queen. His attack was so severe that he was not permitted to finish delivering it, and was sent to prison for a time.

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[210] Parker Correspondence, p. 237; Z.L., I, 287.

[211] Henry Ellis, ed., Original Letters, Illustrative of English History (London, 1827), Second Series, III, 34.

[212] Z.L., I, 306.

[213] Parker Correspondence, p. 470.

Further criticism came in the form of a petition which was drafted by the Lower House to be presented to the Queen for the reform of ignorant clergy, pluralities and non-residence, and the abuse of excommunication. When Elizabeth read the petition, she replied that at the beginning of the session she had conferred with some of the bishops, charging them to see to the execution of such reforms or else she would take such responsibility for herself.[214] Convocation did formulate a number of articles regarding the admission of well-qualified men to the ministry,[215] but they did not have much effect, and the criticism was renewed in the Parliament of 1581.

Toward the end of that session, three M.P.'s who were on the Queen's Privy Council approached some of the bishops about the same evils which they had complained of in their earlier petition, and asked the bishops to join them in again petitioning the Queen for reforms. Some of the bishops expressed their willingness to do so, but others did not feel that such a petition was necessary.[216] On hearing their requests, Elizabeth replied that since certain of her clergy had neglected to carry out her instructions for reform, she would have to commit such responsibility to others who would.[217]

Elizabeth's answer was not just an empty promise, for we learn from a letter sent by Archbishop Sandys of York to Bishop Chaderton of Chester on May 2, 1581, that she sent for Sandys, presented the requests to him, and asked for an answer. She told him that he could select three or four of the bishops to assist him in doing so, if he so desired. Instead, he chose five: Richard Davies of St. David's, Thomas Cooper of Lincoln, John Piers of Salisbury, Nicholas Robinson of Bangor, and John Whitgift of Worcester.[218]

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[214] C.J., I, 109, 110, 113.

[215] L.J., I, 731-732, 740.

[216] C.J., I, 130, 131; D'Ewes, pp. 302-303. We are not told which bishops agreed or disagreed.

[217] C.J., I, 131; D'Ewes, p. 303.

What Elizabeth asked the bishops to answer was a number of demands included in an existing document entitled "A Book of Articles . . . Offered to the Last Session of Parliament . . . for Ecclesiastical Causes with an Answer to the Same from the Bishops." They represent a kind of blueprint for a reformed Church which would retain the episcopate.[219] The articles are divided into four sections. The first, "Concerning Ministers," proposed that no minister be admitted except in a benefice with cure of souls, vacant in the diocese of the bishop who admitted him. The bishops replied that this could not be done without altering the entire organization of the Church, and called it "a false principle of T. C."[220] They also refused the proposal to give parishes the right to object to newly-appointed ministers within twenty days. In short, out of the ten articles of this section, the bishops could give acceptance to only three. Under the second section, "Concerning Excommunication," the petition proposed that excommunication be restricted to "enormous crimes," and that it be executed, not by lay officials, but by the bishops with the assistance of six learned preachers. The bishops answered that such action would necessitate a change in the entire common law of the realm. The third section proposed that no commutation of penance be made by a bishop except with the consent of his dean and chapter, or six preachers of his diocese. The bishops insisted that only their assent was necessary. Out of the thirteen articles of the fourth section which would place stringent controls on the granting of faculties for non-residence, pluralities, and marriage without banns, the bishops accepted only two without reservations, and three with reservations.

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[218] It is significant that none of these five bishops had ever sympathized with Puritanism, nor had been company to the Marian exiles.

[219] This is printed in Strype, The Life and Acts of John Whitgift. . . (Oxford, 1822), III, 47-63; Also in Wilkins, Concilia, IV, 309-314.

[220] The initials are those of Thomas Cartwright.

When the bishops acquainted the Queen with the reforms to which they could agree, she was pleased, but to certain members of the Lower House who pressed Sandys for her reply, she declared that she was capable of dealing in ecclesiastical matters with the clergy herself, and warned the Commons not to meddle in such affairs.[221] The Puritans and their supporters disapproved of the bishops' and the Queen's response, and were going to renew their demands for ecclesiastical reforms in later parliaments.

Before leaving the Parliament of 1581, there are two other issues which deserve our attention. One was another attempt at anti-Catholic legislation; the other was a bill against the heretical sect known as the Family of Love. The former consisted of three bills, the first of which originated from a committee in the Commons, and was entitled "a bill for obedience to the Queen's Majesty against the see of Rome." At the request of the Lower House, representatives from the Upper House conferred with the Commons' committee.[224] Six of the eighteen lords were bishops, although we are not told who they were.[223]

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[221] Francis Peck, Desiderata Curiosa (London, 1732), I, iii, 29.

[222] C.J., I, 123.

The result of the meeting of the two committees was a second bill which was longer than the one first introduced in the Commons.[224] Apparently the bishops on the lords' committee did not go along entirely with the others on certain parts of the bill, for according to Thomas Norton, a Puritan member of the Commons, both the temporal lords and the representatives from the Commons dealt "zealously in religion," whereas the bishops were concerned mainly about their jurisdiction. He reported that one of the bishops (he is not named) declared that he would reject the whole bill rather than accept a clause which said that conformity in religion should be acknowledged by private schoolmasters before Justices of the Peace in open sessions.[225] This second bill like the first, was given only one reading in the Lower House. Instead, after more conferences between the joint committees, a third bill "for the keeping of the Queen's Majesty's subjects in their due obedience" was framed. This bill, less severe in its provisions than the first two, was passed by both Houses and enacted at the end of the session.[226] It stated that anyone who converted the Queen's subjects to Catholicism in order to make them disobey her was guilty of treason. It made the saying of mass a felony, the penalty of which was 200 marks. The penalty for hearing it was half that amount. Anyone guilty of not attending church was fined 20 pounds each month.[227]

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[223] Archaeologia: Or Miscellaneous Tracts Relating to Antiquity (Society of Antiquaries of London, 1770-), XXXVI, 111.

[224] Neale, I, 387.

[225] Archaeologia, XXXVI, 112. This report should be taken cautiously, for Norton was blaming the bishops for not carrying out reforms in the Church.

[226] C.J., I, 128, 130, 131; L.J., II, 44-48.

It appears as if Elizabeth was responsible for preventing the first two bills from proceeding any farther. Evidently the penalties against Catholics were too stringent for her. However, while in 1563 the bishops supported severe measures against Catholics which Elizabeth refused to accept, now it seems that at least some of them were critical of the severity of the second bill--another indication that the bishops were falling more in line behind their Queen all the time.

The bill "against the Family of Love" never came before the Upper House, but the bishops had a part in framing it. On January 27, 1581, John Aylmer, bishop of London, brought before the Upper House of Convocation a letter concerning the sect. The letter was discussed by the bishops, and a bill was then drawn up to deal with the sect.[228] When the bill came before the Commons, however, it was changed to such a great extent that it was no longer acceptable to the bishops. We learn this from an argument between Thomas Norton and Hampton, the Cambridge tutor of the host's son, at a supper party after the session had ended. According to Norton, some of the bishops had disavowed the altered bill, and denied that they had commended it to the Lower House. Hampton replied that the bishops had done right by opposing the changes, for the Commons had made heresy a felony, which was attaching a temporal penalty to a spiritual offense.[229] We do not know exactly why the bill never reached the lords, but it appears as if the government which inspired it disapproved of the changes made by the Commons, and the bishops who had sponsored it supported the government's stand--another indication that by the end of the Parliament of 1581, the breach which had once existed between the Queen and the bishops had all but closed. The reasons why it had not yet completely closed will be discussed in the first part of the next chapter.

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[227] Statutes, IV, 657; See Neale, I, 387-390 for a comparison on the provisions of these three bills.

[228] Strype, Annals, II, 383.

[229] Archaeologia, XXXVI, 114.

# CHAPTER IV

# THE CLOSING OF THE BREACH

## 1. Background of Parliaments 1584-1601

The last real clash between Elizabeth and her bishops occurred outside of parliament over the religious practices within the Church known as "exercises" or "prophesyings."[1] These were periodic meetings where the clergy delivered expositions on passages of scripture which would then be discussed and criticized by their fellow-ministers. A moderator was usually appointed to direct the proceedings, and quite often laymen were in attendance as well.

Prophesyings had been in operation to a certain extent from the beginning of Elizabeth's reign, but they were regarded with suspicion by Parker and the Queen. Early in 1574, Elizabeth ordered her archbishop to have them all suppressed. However, a few of the bishops (not all progressives) felt that prophesyings were not only good, but necessary. Parkhurst of Norwich encouraged them, and was surprised when he received the order to have them suppressed. Freke of Rochester and Sandys of London also approved them, but they advised Parkhurst to comply with the Queen's command, which he did.[2]

Two bishops refused to suppress prophesyings in their dioceses. On October 26, 1574, Cooper of Lincoln drew up a set of regulations for them in the part of Hertfordshire which lay within his diocese. He regarded them as "good and godly," contributing to "the furtherance of true doctrine and the increase of godly knowledge" among the unlearned clergy. He urged all ministers who were not "hinderers of the truth" to observe them.[3] They were likewise again revived in Chester by Chaderton in 1585, and he too drew up certain regulations in an attempt to control them.[4]

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[1] See Collinson, Elizabethan Puritan Movement, pp. 168ff.

[2] Strype, Annals, II, 322-323.

The explanation for the support and encouragement of prophesyings by these bishops is not that they sympathized with the phase into which the Puritan movement entered after 1572. It is more likely that they failed to understand how the prophesyings were being used by Presbyterians as instruments for their attack on the whole structure of church government.

The real clash over prophesyings occurred between Elizabeth and Grindal, who had been translated from York to Canterbury after the death of Parker in 1575. He was not unaware of the way they were often abused, but that, according to his reasoning, did not justify their complete suppression. His position must be seen in the light of the fact that the Queen and parliament had asked the bishops in the last session to improve the education of the clergy. To Grindal, the best way to accomplish this was through prophesyings. Like Cooper, he drew up regulations to prevent them from being subversive. They were placed completely under the control of the bishop in whose diocese they were held, and were to be closely supervised by the archdeacon or his deputy. No mention of political matters was to be made, and any attack on the ecclesiastical rites and ceremonies of the Church was to be suppressed. Only scriptural topics were to be discussed, and no layman or deprived minister was permitted to speak. In short, it was a compromise with Elizabeth's demands.[5]

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[3] Ibid., II, 318-321.

[4] Ibid., II, 324.

Grindal's compromise did not satisfy the Queen, and in an interview at the Court in early December, 1576, she ordered him to reduce the number of clergy and suppress the prophesyings. Regarding her command as an infringement on his office, and realizing that he could not in good conscience comply with her command, Grindal sent her a letter on the 20th of December, the like of which she had probably never received before.[6] He told her how "exceedingly dismayed and discomforted" he was by her instructions which "tended to the public harm of God's Church." Assuring her of his loyalty and gratitude, he defended preaching as clearly taught by scripture. While admitting that the reading of homilies (the Queen's preference) had their place, he maintained that they were "nothing" in comparison to preaching. Furthermore, said Grindal, the best way to strengthen preaching was through the carefully-supervised use of prophesyings. He reported that he had corresponded with a number of the bishops, and found that they also regarded them as "profitable to the Church, and therefore expedient to be continued."[7] Those who complained about prophesyings he designated as "backward men in religion and condemners of learning." Grindal's answer to the Queen, therefore, was that he could not "with safe conscience, and without the offense of the majesty of God," consent to their suppression, nor could he issue any injunction to have them suppressed. At the close of his letter, he boldly advised Elizabeth to refer all questions pertaining to the doctrine or discipline of the Church to the bishops and clergy, and he reminded her that although she was "a mighty Prince," she was also "a mortal creature" who should humbly submit to God and to the obedience of scripture.

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[5] John Strype, The History of the Life and Acts of the Most Reverend Father in God, Edmund Grindal . . . (London, 1710), pp. 327-328.

[6] *Ibid.*, p. 329. The letter is printed in its entirety on pp. 558-574.

[7] The ones named are Sandys of London, Horne of Winchester, Berkeley of Bath and Wells, Bentham of Coventry and Lichfield, Cheyney of Gloucester, Cooper of Lincoln, Curteis of Chichester, Bradbridge of Exeter, and Davies of St. David's.

Elizabeth was furious at Grindal's reply, and on May 7, 1577, she sent a letter directly to the bishops instead of sending it by way of the archbishop.[8] In it she commanded them to see that no rites or ceremonies except those established by the Church be permitted, and that no person be allowed to teach or preach who was not lawfully approved and licensed. Since prophesyings had neither been appointed nor warranted by her, she demanded that they cease, and that all offenders be imprisoned. She warned the bishops to be "careful and vigilant," lest she be forced to make examples of them. As for Grindal, he was suspended from the exercise of his jurisdiction, and confined to his house for six months.

Not one of the bishops joined Grindal in standing up to the Queen. Instead, most of them supported her action. Barnes of Durham condemned both the prophesyings and their supporters, and ascribed the archbishop's refusal to obey Elizabeth's orders to "willfulness" and "obstinacy." However, while most of the bishops supported the suppression of prophesyings, they did not (except for Barnes) approve of the Queen's outrage against Grindal, and petitioned her in the Convocation of 1581 to end his suspension, but without success.[9] Although the archbishop was never deprived, the see of Canterbury was without any effective leadership until his death in July, 1583.

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[8] Printed in Grindal's Remains, pp. 467-469, and in Strype, Grindal, pp. 574-576.

[9] White, Elizabethan Bishops, pp. 72, 75; Strype, Grindal, pp. 381-382.

## 2. The Whitgift Episcopate

With the death of Grindal, and the election of John Whitgift on September 23, 1583, we reach the turning-point of this study as well as the history of the Elizabethan Church. It is the thesis of this dissertation that not until this time did the breach which was created between the Queen and the episcopate in 1559 finally close. This was due to two major factors: the policy of the new archbishop, and the composition of the episcopal bench after 1583.

Whitgift, bishop of Worcester since 1577, adopted what Collinson calls "policies of the palace."[10] Whitgift was an able scholar and theologian who had opposed Cartwright in 1570, driving him from Cambridge. Like the Queen, he detested all faction and disobedience, and was unhesitating and unwavering in his determination to enforce uniformity within the Church, and conformity to the established order. As archbishop, he resisted secular interference in ecclesiastical matters as well as the spoliation of the possessions of the Church.

By the time parliament was again summoned in November, 1584, some significant changes had taken place on the episcopal bench. Since 1572, death had claimed sixteen of the bishops. They were Thomas Davies (1573), Hugh Jones (1574), Matthew Parker (1575), John Parkhurst (1575), James Pilkington (1576), Nicholas Bullingham (1576), Edmund Guest (1577), William Bradbridge (1578), Thomas Bentham (1579), Richard Cheyney (1579), Robert Horne (1579), Richard Cox (1581), Gilbert Berkeley (1581), Richard Davies

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[10] Collinson, p. 207.

(1573), Richard Curteis (1582), and Edmund Grindal (1583). A glance over this list will reveal that seven of these (including John Jewel, who died in 1571) were among those early progressives discussed in an earlier chapter.[11] This left only two remaining: John Scory, who lived until 1585, and Edwin Sandys, who died in 1588.

The new generation under Whitgift were, for the most part, unsympathetic to either Puritan or Catholic, and pursued a policy of uniformity and conformity. Space does not permit a detailed examination of their backgrounds, but a few generalizations about them should be made.[12] Like their predecessors, the Whitgiftian bishops were all university men. Eighteen were Cambridge men,[13] and only eleven were from Oxford.[14] Of the Cambridge graduates, fifteen held fellowships in their colleges,[15] and four were Masters (Howland, Hutton, Still, and Jegon). Of the Oxford bishops, five (Godwin, Bickley, Underhill, Bilson, and Robinson) were Fellows, one (Matthew) was President of his college, and one (Heton) was Vice-Chancellor of the University.

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[11] See above, p. 76.

[12] The following information has been derived from the DNB, Venn, Foster, Alum. Ox., and White, passim.

[13] They included William Wickham (1539-95) of Lincoln (1584), and Winchester (1595); Richard Howland (1540-1600) of Peterborough (1585); Hugh Bellot (1542-96) of Bangor (1586), and Chester (1595); Matthew Hutton (1525-1606) of Durham (1589), and York (1595); Richard Fletcher (1544-96) of Bristol (1589), Worcester (1593), and London (1595); Gervase Babington (1551-1610) of Llandaff (1591), Exeter (1595), and Worcester (1597); John Coldwell (1531-96) of Salisbury (1591); John Still (1545-1608) of Bath and Wells (1593); Anthony Rudd (1547-1615) of St. David's (1594); William Redman (1540-1602) of Norwich (1595); William Morgan (1547-1604) of Llandaff (1595), and St. Asaph (1601); William Day (1529-96) of Winchester 1596); Richard Vaughan (1551-1607) of Bangor (1596), Chester (1597), and London (1604); Godfrey Goldsborough (1548-1604) of Gloucester (1598); William Cotton (1544-1615) of Exeter (1598); Thomas Dove (1555-1630) of Peterborough (1601); Robert Bennet (1547-1617) of Hereford (1603); John Jegon (1550-1618) of Norwich (1603).

[14] They were Thomas Godwin (1517-90) of Bath and Wells (1584); Herbert Westphaling (1534-1602) of Hereford (1586); Thomas Bickley (1518-96) of Chichester (1586); John Underhill (1544-1592) of Oxford (1589); Tobias Matthew (1544-1628) of Worcester (1594), Durham (1595), and York (1606); Thomas Bilson (1547-1616) of Worcester (1596), and Winchester (1597); Henry Robinson (1553-1616) of Carlisle (1598); Henry Cotton (1544-1615) of Salisbury (1598); Henry Rowlands (1551-1616) of Bangor (1598); Martin Heton (1553-1609) of Ely (1600); Francis Godwin (1561-1633) of Llandaff (1601), and Hereford (1617).

Most of the bishops were married and had families. For only six (Howland, Bellot, Bickley, Babington, Rowlands, and Bennet) is there no evidence that they married. At least two of them fell into disgrace with the Queen because they took wives. Fletcher, at first the most favored of all the bishops, was banished from Court and lost his almonership because he married a young widow within a year after her husband's passing, and after he had promised Elizabeth he would not marry at all. Thomas Godwin, in his old age, married a second time, to a woman in her forties, which cost him the Queen's favor.

No more than two (Coldwell, and perhaps Day) had conformed during Mary's reign, and only one (Bickley) had been among the exiles of her reign. Three of the bishops had at one time sympathized with the Puritans. Howland and Still had supported Thomas Cartwright, but the Admonition Controversy ended those sympathies. Westphaling had recommended the Puritan, Thomas Sampson, as Dean of Christ Church, but he too became disillusioned with the violent attacks made on the doctrine and organization of the Church. There is no doubt that the affairs of the Church had passed out of the hands of the progressives into the hands of those who would defend and execute the policies of the Queen and her third archbishop.

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[15] The three who did not, were Matthew Hutton, William Morgan, and Richard Vaughan.

## 3. Parliaments 1584-1601: Issues Which the Bishops Faced

We turn then to the last six parliaments of Elizabeth's reign.[16] As we have done in earlier chapters, we wish to discover in this final section what issues the bishops had to face, what stand they took concerning them, and what differences (if any) there were between their position and the Queen's on these issues. The answers to these questions will reveal whether the breach we have been observing did indeed close after 1583.

The issues which concerned the bishops in these final parliaments can be divided into three main categories: (1) Attempts (mostly Puritan) to obtain more ecclesiastical reforms; (2) Anti-Catholic legislation; (3) Attempts to legislate on episcopal lands. Each of these will be examined as they arose in each of the parliaments.

### (a) Demands For More Ecclesiastical Reforms

The first occasion in this period when the bishops had to defend themselves against the criticism of the Commons came right after Whitgift's appointment as archbishop. Unlike the permissive Grindal, Whitgift immediately began taking measures to enforce conformity and uniformity. Four days before his enthronement at Canterbury, Whitgift issued a set of injunctions to his bishops. He enjoined them to enforce all anti-recusancy laws, and forbade them from permitting any religious exercises in private houses if outsiders were present. No minister was to be permitted to preach unless he wore the prescribed vestments, and administered the sacraments according to the Prayer Book at least four times a year. Furthermore, before any person could perform any ecclesiastical function, he had to subscribe to three statements in the presence of his ordinary: that he accepted the royal supremacy; that the Prayer Book contained nothing unscriptural and that he promised to use it and no other; that he was willing to accept all of the Thirty-Nine Articles.[17]

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[16] The last six parliaments included the Parliament of 1584-85, which opened on November 23, 1584, and was dissolved, after two prorogations, on September 14, 1586; the Parliament of 1586-87, which began on October 15, 1586, and after one prorogation, was dissolved on March 23, 1587; the Parliament of 1589, which convened on November 12, 1588, and was dissolved, after one prorogation, on March 29, 1589; the Parliament of 1593, which opened on February 19, 1593, and was dissolved on April 10; the Parliament of 1597-98, which began on October 24, 1597, and was dissolved on February 9, 1598; the Parliament of 1601, which convened on October 27, 1601, and was dissolved on December 19.

Before the end of October, 1583, Whitgift was named as head of the High Commission to enforce obedience to the regulations of the Church. This greatly increased his power, for the Commission could pursue any offender who fled from one diocese to another, and could mete out punishment by fine or imprisonment.[18] He proceeded to draw up a number of articles and questions for the Commission to administer to those summoned before it. One requirement was an _ex officio_ oath whereby the person being questioned had to swear that he would answer any question put to him without knowing in advance what it would be, and even if his answer was self-incriminating. He would then be asked questions as these: Had he been ordained according to the ordinal, and sworn canonical obedience? Had he accepted the Prayer Book as "virtuous" and "agreeable to the word of God?" Had he taught or written anything against it, and used the services which it prescribed without making any changes or omissions? Had he preached without being licensed by his bishop, and had he subscribed to Whitgift's three statements mentioned above?[19]

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[17] These are printed in Strype, _Whitgift_, I, 229-232.

[18] _Ibid._, I, 266; The authority on the High Commission is Roland G. Usher. _See_ his books, _The Rise and Fall of the High Commission_ (Oxford, 1913), and _The Reconstruction of the English Church_ (London, 1910), I, 91-113.

It is not surprising that the Puritans were angered. While they would probably accept the statement on the royal supremacy, many could never agree that all parts of the Prayer Book were scriptural. Furthermore, it was certain, in the light of their action in 1571, that they would not subscribe to all of the Thirty-Nine Articles, doctrinal and non-doctrinal. Not only were the Puritans enraged over Whitgift's articles to the Commission, but even Burghley, in a letter to the archbishop, found them to be "in a Romish style" and not the charitable instruction they were intended to be.[20]

It was against this background that the Puritan reaction came in the Lower House despite Elizabeth's previous warning that they were not to interfere in ecclesiastical matters. On the morning of December 14, 1584, a number of articles were presented and read in the Commons.[21] A week later a delegation submitted their articles to a committee of five spiritual and twelve temporal lords who then had them read in the Upper House. The same day the lords' delegation replied that since the grievances had been found to concern only the counties of Warwickshire, Lincolnshire, and Essex, they felt that reform could be achieved by some other means--an argument which may have come from the bishops. However, when the deputation from the Commons insisted that they applied to the whole realm, the lords agreed to support their efforts, but not until the Queen's pleasure had been ascertained.[22]

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[19] Strype, Whitgift, I, 268-271; III, 81-87.

[20] For Burghley's letter and Whitgift's replies, see Ibid., III, 104-107, 112-115; I, 317-322.

[21] They are printed in full in D'Ewes, pp. 357-359, and Strype, Whitgift, III, 118-124.

In the meantime, a number of the lords who were on the Queen's Council met with Elizabeth, and she in turn consulted with Whitgift and the bishops. On February 22, 1585, Burghley relayed the Queen's reply to the Commons' delegation. She had said that steps were already being taken to remedy some of the grievances, but others were not fit to be reformed because it would mean a violation of the Prayer Book. The only justification, said the Queen, for complaining about an offense committed in a bishop's diocese was if the bishop of that particular see refused to deal with it.[23]

Burghley was followed by Whitgift, who delivered such a lengthy and detailed oration that the Commons' delegation had to meet together later to reconstruct what he had said. He took up all the articles (there were sixteen) and answered them one by one, finding most of them unacceptable. One was the proposal that six clergy be present at the ordination of a candidate for the ministry. Another suggested that the parish be notified before a minister be granted a benefice which Whitgift said "savoured of popular elections." He refused to accept the nullification of all oaths taken by the clergy except those prescribed by statute. He declared that if clergy who had omitted portions of the Prayer Book in administering the sacraments were not called before civil courts, as the petition proposed, they would be completely free from temporal jurisdiction. Of course Whitgift was unwilling to surrender the ex officio oath which he regarded as a "usual, lawful, and ordinary kind of proceeding" without which the bishops could not carry out their responsibilities. However, there were certain requests which he agreed to consider. One was the permission of private exercises, to which the archbishop replied that certain ones, unlike prophesyings, would be developed for the intellectual stimulation of the clergy. Concerning the abuse of excommunication, Whitgift replied that although contumacy was deserving of excommunication, he would see that more care was taken in its use. Although he expressed his own disapproval of faculties for non-residence, he insisted that the removal of pluralities would discourage the best clergy. As if the archbishop's refusal to honor most of the requests was not enough, he stung his hearers, near the end of his speech, with the needless reminder that some of the bishops were already preachers when many of the M.P.'s were still in their cradles.[24]

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[22] D'Ewes, 339, 340, 345; Neale, II, 64. The Journal does not indicate who the members of the lords' committee were.

[23] Neale, I, 65, citing the most remarkable diarist of the Commons, Thomas Cromwell, whose diary is in Trinity Coll. Dublin MS. N.2.12.

Whitgift's speech created a stir in the Lower House. Robert Beale, Clerk of the Privy Council, wrote several years later that the speech was the most "insufficient and opprobious answer" delivered in history.[25] One M.P. called it "rather a discourse than any resolution of a divine," while another designated it as "the Cardinal and Metropolitical answer." Still another accused the bishops of being "rather deformers than reformers."[26]

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[24] Strype, Whitgift, I, 354-360; III, 124-130; D'Ewes, pp. 359-360. D'Ewes mistakenly says the speech was given by Sandys, archbishop of York. Consequently, Strype, who used D'Ewes, concluded that two different speeches were given--one by Whitgift, and the other by Sandys. See Neale, II, 66n. P.M. Dawley, John Whitgift and the English Reformation (London, 1955), p. 173, also says it was Sandys.

[25] Neale, II, 66, citing Additional MS. 48039 (Yelverton 44), fol. 67.

[26] Ibid., citing S. P. Dom. Eliz. 175/51.

The reaction of Elizabeth was quite different. On February 27, 1585, she gave audience to Whitgift, three of the bishops, and representatives of the lower clergy when they offered her their subsidy bill. After thanking them for the subsidy, she told the bishops that she would not tolerate the criticism of the Lower House against them. However, she also took this opportunity to criticize certain of the bishops,[27] pointing out that while there were some hotheads in the Commons, she could not make a blanket condemnation of the entire House, because some of their complaints were justified. The two main ones she referred to were carelessness in the appointment of clergy, and laxity in the enforcement of uniformity. She urged them to deal with the Papist as well as the Puritan. Whitgift responded by assuring the Queen that he would investigate these matters and would see that the bishops exercised more care, but he said that it would be impossible to have educated clergy in all of the thirteen thousand parishes. Elizabeth quickly assured him that she did not expect them all to be educated. She asked only that they be honest, sober, wise, and able to read the scriptures and homilies well to their hearers. With that she thanked the bishops and bade them farewell.[28]

Elizabeth kept her word, for on March 1, she called the Speaker before her and castigated the Commons for disobeying her command that they should not meddle in ecclesiastical matters. She said that her answer had been given by both Burghley and Whitgift, and she would neither welcome any proposal for innovation nor change any ecclesiastical law. If they had any valid complaints, they should first be made to the bishop of the diocese, next to the archbishop, then to the Council, and finally to her. She ended her speech by rebuking the Commons for their attacks on the clergy.[29]

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[27] Two that she referred to were John Aylmer of London, in whose diocese merchants held religious exercises, and William Overton of Coventry and Lichfield, who admitted unqualified clergy. Neither bishop heard the Queen's remarks.

[28] Neale, II, 69-71, citing S. P. Dom. Eliz. 176/68.

In spite of the Queen's command, the Puritans in the Lower House did not cease introducing religious bills. On March 18, 1585, they launched a bill which professed only to reinforce Bill B of the Parliament of 1571 which had been enacted as the statute "for reformation of certain disorders touching ministers of the Church."[30] In reality it provided that unqualified clergy be punished with a fine of 20 pounds, a year's imprisonment, and perpetual disablement. In addition, as Whitgift later pointed out, the bill provided for a commission of twelve laymen to determine the fitness of clergy.[31] It passed the Commons on March 22, and came before the lords the following day where it was given one reading.[32] According to Sir William Fitzwilliam, another parliamentary diarist in the Lower House, the reading of the bill was followed by a speech delivered by Whitgift in which he reminded the lords that Elizabeth had prohibited the handling of such matters by parliament. He was answered by Leicester, who maintained that such arguments would only cause the Queen to be more incensed with the Lower House.[33]

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[29] Ibid., II, 73-75, citing B.M. Harleian MS. 6853, fols. 285-287.

[30] See above, pp. 129-130; D'Ewes, p. 370.

[31] Neale, II, 78, citing Cromwell's diary and Lansdowne MS. 43, fol. 166; Strype, Whitgift, I, 391.

[32] D'Ewes, pp. 326, 370-371; L.J., II, 105.

[33] Northants. Record Soc. Fitzwilliam of Milton Papers 2, fol. 35, a reference I owe to Neale, II, 81.

Perhaps fearing that the bill would continue despite his opposition, Whitgift wrote a letter to Elizabeth on March 24, asking for her assistance and assuring her that action was being taken by the bishops on the admission of qualified men to the ministry.[34] Apparently she honored his request, for the bill passed into oblivion.

Two other religious bills never reached the House of Lords, but since they were directed against the bishops, they deserve mention. The first was a bill imposing a loyalty oath on all archbishops and bishops, to be taken in the Chancery court, and the elimination of the oath of canonical obedience taken by bishops to archbishops. The second proposed the regulation of fees in ecclesiastical courts and the conduct of visitations. The first bill had been read twice, and the second only once prior to Elizabeth's speech to the Speaker on March 1. Consequently, she had instructed him to let the bills proceed no farther.[35] A third bill permitting marriage at all times of the year reached the Upper House, but was never read.[36] There is no evidence that Elizabeth included it with her prohibition of the other two. We do know, however, from Whitgift's letter to the Queen, that he opposed the marriage bill as well as the one against excessive fees in ecclesiastical courts.[37]

In the Parliament of 1586-87 a proposal was made in the form of a petition to the Queen to amend the oath required of ministers and to achieve a more learned ministry.[38] Perhaps Whitgift learned of this and again called on Elizabeth, for a copy of a document entitled "Why You Ought Not to Deal With Matters of Religion" exists at Lambeth Palace which is written in the hand of the archbishop's secretary. It is another message from the Queen reminding the Commons that the clergy alone are responsible for seeing that such reforms are made, and that the petition infringed upon her royal prerogative.[39] Despite another warning from Elizabeth at the opening of the Parliament of 1589 not to meddle with religious matters, a Puritan proposal was made in the Commons to improve the manner of executing the existing ecclesiastical laws. However, when the House was reminded of the Queen's command, the proposal was not read.[40]

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[34] The letter is printed in Strype, Whitgift, I, 391-392. See also D'Ewes, p. 371, and Edward Cardwell, ed., Synodalia, A Collection of Articles of Religion, Canons, and Proceedings of Convocations in the Province of Canterbury from the Year 1547 to the Year 1717 (Oxford, 1842), I, 140-141.

[35] D'Ewes, pp. 361, 373; Neale, II, 77, citing Cromwell's diary.

[36] D'Ewes, pp. 324, 360-362; L.J., II, 99.

[37] Strype, Whitgift, I, 391-392.

In the Parliament of 1593, James Morice, Attorney of the Court of Wards, delivered a speech in the Commons against what he called the harsh policy of "inquisition, subscription, and binding absolution" used by the bishops and ecclesiastical judges against certain Puritan ministers. It was a direct attack by a Puritan voice on Whitgift's articles, the _ex officio_ oath, and the oath of obedience required of all excommunicates prior to receiving absolution. He demanded that the bishops explain by what authority they did such things, and declared that the main reason was to preserve the Roman ecclesiastical hierarchy. When he had ended his speech, he offered two bills to the Speaker: one against the _ex officio_ oath, subscription to the articles, and oath of obedience; the other against imprisonment for non-compliance with such measures.[41] Although the bills were not read, Whitgift wrote an appeal to Elizabeth and sent it to her. Pointing out that Morice's behavior arose out of the dealings with men like Cartwright who sought to introduce the Presbyterian system into the Church, he predicted that such persons would eventually also attempt to impair the temporal government.[42] The archbishop's appeal was not necessary, however, for unknown by him, Elizabeth had summoned the Speaker the same day the speech was given, and again instructed him to warn the Commons to attempt no new legislation on matters relating to the state or the Church. Any such bills introduced were not to be read.[43] Consequently neither of Morice's bills proceeded any farther.

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[38] D'Ewes, p. 413.

[39] Neale, II, 163, citing Lambeth MS. 178, fol. 88.

[40] D'Ewes, pp. 438-439.

The Parliament of 1597-98 saw several other attempts in the Commons at anti-clerical legislation. The first was a bill to prohibit the granting of licenses for marriage without bans, which facilitated irregular marriages. This was followed by agitation on probate of wills, excessive fees by ecclesiastical courts, and the *ex officio* oath, all of which came to naught, apparently without the need of Elizabeth's intervention. A speech was also delivered by Henry Finch, the Puritan M.P. who had introduced the bill against marriage licenses, in which he criticized the Uniformity Act and the Articles of 1571. Following the speech, he presented a bill to make both less objectionable to Puritan clergy. Again there is no indication that it took an appeal from Whitgift or a message from the Queen to stop the bill.[44]

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[41] *Ibid.*, p. 474; Neale, II, 268, citing Camb. Univ. Lib. MS. Mm. I, 51, pp. 105 seqq., and St. Paul's Cathedral Add. MS. VII, 6 (37), (38).

[42] Neale, II, 274, citing St. Paul's Add. MS. VII, 6, (37), (38), and B.M. Additional MS. 28571, fol. 172. Whitgift's appeal was written at the foot of a report which had been sent to him by one of his supporters in the Commons.

[43] D'Ewes, p. 476; Neale, II, 275, citing St. Paul's Add. MS., VII, 6 (39), and B.M. Cotton MS. Titus F. II, fols. 36-37.

The Puritan agitation did, however, spur Whitgift into using Convocation which met concurrently with parliament to deal with disorders in the Church. A series of resolutions were passed which were confirmed by Elizabeth. Among other things, they strengthened precautions against the abuses resulting from marriage licenses, and discouraged the hasty pronouncement of divorces. Fees charged by ecclesiastical courts from their beginning to the eighteenth year of Elizabeth were to be openly displayed and not exceeded.[45] Thus, while the failure of the anti-clerical bills in the Commons was in fact a victory for Whitgift and the bishops, that failure did not cause the archbishop to close his eyes to legitimate disorders which needed to be corrected.

In addition to all of this agitation about existing evils in the Church, several other religious bills deserve notice in these last parliaments, all of which originated in the Lower House. In the Parliament of 1584-85, and in the Parliament of 1601, bills to improve the observance of the Sabbath came before the Upper House after having been passed by the Commons. The first bill was introduced into the Lower House in November,1584.[46] When it came before the lords on December 7, it was read twice and committed. Included on the committee was Whitgift and four bishops: Aylmer of London, Cooper of Winchester, Piers of Salisbury, and Chaderton of Chester.[47] Amendments were added by the committee and the bill was sent back to the Commons where further amendments were made. Not until March, 1585, did the bill finally pass both Houses only to be rejected by Elizabeth at the end of the session.[48]

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[44] D'Ewes, pp. 555-556, 561-562, 565, 567; Neale, II, 357-358.

[45] Strype, Whitgift, III, 383-384.

[46] Neale, II, 58, says that since it was not a Puritan bill, the bishops may have had something to do with it, but there is no evidence that they did. It is not known who was responsible for the bill.

The purpose of the 1601 bill was to prohibit the holding of fairs and markets on Sunday. It was introduced into the Lower House by a Puritan, and when it reached the House of Lords, it was read twice, committed, and heard of no more.[49] Whether the lords threw it out themselves or whether Elizabeth halted its progress, we are not told. It is not likely that it met with the approval of the bishops. At any rate, about a year earlier, Whitgift had tried to stop the circulation of books which advocated excessive Sabbatarianism.[50]

There were two Puritan attempts by the Commons in Elizabeth's last parliaments to replace the Prayer Book with another, and reorganize the Church along Presbyterian lines. The first came in the Parliament of 1584-85, when Dr. Peter Turner, a London physician, introduced a bill and book. The book was the Genevan liturgy used by Knox's congregation during Mary's reign, and the bill stated that the liturgy should replace the Elizabethan Prayer Book. However, there was enough opposition in the Commons to prevent any action on either the bill or the book.[51]

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[47] D'Ewes, pp. 315, 333, 336.

[48] Ibid., pp. 316-369 passim; L.J., II, 70-102 passim. We are not told what the amendments were or what stand the bishops took.

[49] D'Ewes, pp. 624, 626, 628, 668; L.J., II, 248, 251.

[50] V. J. K. Brook, Whitgift and the English Church (London, 1957), p. 169.

[51] D'Ewes, p. 339; Neale, II, 62. I am assuming, with Neale, that the text of the bill is in a document in The Seconde Parte of a Register, ed. Albert Peel (Cambridge, 1915), II, 215-218.

The other attempt was also the introduction of a bill and book, this time in the Parliament of 1586-87 by Sir Anthony Cope, a Puritan M.P. The book was the same as Turner's, and the bill proposed the invalidation of all existing laws concerning ecclesiastical government, and the authorization of the Genevan Prayer Book as the only one to be used in the Church. It was the last and most revolutionary proposal ever made in the Elizabethan parliaments.[52] Again neither the bill nor book was read, but this time Elizabeth sent for both. Cope and his supporters were interviewed by the Council (of which Whitgift was now a member), and afterward committed to the Tower.[53] Thus ended the last Puritan effort in parliament to overhaul the organization of the Church.

Finally, there were two attempts by the Commons in Elizabeth's last parliaments to deal with pluralities and non-residence. These also come under the category of religious reforms, but the writer has chosen to discuss them later under the topic of episcopal lands.

### (b) Anti-Catholic Legislation

The Puritan agitation over the need for ecclesiastical reforms must not cause us to overlook the fact that the main business of the Parliament of 1584-85 was to ensure the safety of the Queen against Catholic conspiracy. On the Continent, a Catholic scheme known as the Enterprise was planned in 1583--an invasion of England under the leadership of the Duke of Guise to be aided by English Catholics, and to coincide with the assassination of Elizabeth. During the same year, a plan to murder the Queen known as the Throckmorton Plot was uncovered. Since the Spanish ambassador was involved, he was expelled and diplomatic relations with Spain were broken. In the summer of 1584, English Protestants were shocked by the news of the assasination of William of Orange. Consequently the Privy Council drew up a document known as the Bond of Association which was circulated throughout England to obtain signatures of all who would take an oath to remain loyal to the Queen and staunchly oppose and defeat her enemies. The wording of the document could be interpreted to mean that should an attempt be made on Elizabeth's life, Mary Stuart or her son James would be executed whether they were involved in the plot or not.[54]

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[52] The text of Cope's bill is in Seconde Parte, II, 212-215. See Neale, II, 148-152, and Collinson, pp. 303ff.

[53] D'Ewes, pp. 410-411.

In parliament two government bills were introduced into the Lower House to help meet the crisis referred to above. One was a bill for the Queen's safety which focused on the succession to the throne; the other was against Jesuits and seminary priests. Both bills passed both Houses and were enacted at the end of the session. The first statute provided for the exclusion of Mary Stuart from the throne (although she was not named), but it exempted James unless he was party to the offense. The statute did not determine the succession, and it imposed the death penalty for anyone implicated in an attempt on the Queen's life only after he was found guilty by a commission of Privy Councillors and others.[55] Among other things, the second Act required all Jesuits, seminary priests, and all who had become Catholic priests since 1559 to leave the realm within forty days. Anyone receiving or aiding Jesuits or priests would be guilty of felony.[56]

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[54] Neale, II, pp. 13-17.

[55] Statutes, IV, i, 704-705.

[56] Ibid., 706-708. For a detailed analysis of this legislation, see Neale, II, 28ff.

No discussion of whether or how to deal with Mary Stuart was permitted in the Parliament of 1584-85, since Elizabeth was negotiating for her return to Scotland, but this was not true in the Parliament of 1586-87. At the opening of parliament, the Lord Chancellor reported that Elizabeth could not be present because she was "hindered by great and urgent occasions." Instead, she commissioned Whitgift, Lord Burghley, and the Earl of Derby to begin the proceedings.[57] The "great and urgent occasions" was an obvious reference to the fact that Mary had been found to be implicated in the Babington Plot against the life of Elizabeth, and had been tried by a special commission. This was the major reason for calling parliament, and it was the cardinal issue discussed in both Houses during the next month.

We have already seen that the bishops supported and demanded Mary's death in 1572,[58] and while there is no known record of speeches delivered by them in the Upper House in 1586, we have every reason to believe that their attitude had not changed. On November 7, while the lords were debating what more should be done, a delegation was sent by the Lower House to ask certain of the lords to join their committee in discussing the matter. Twenty-one were appointed, six of whom were spiritual lords: Archbishops Whitgift and Sandys, Bishops Aylmer of London, Barnes of Durham, Cooper of Winchester, and Freke of Worcester.[59] The joint committees prepared a petition to be presented to Elizabeth, and on the 8th, every member of the Lower and Upper House agreed that Mary Stuart should be executed.[60]

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[57] D'Ewes, pp. 375-376.

[58] See above, pp. 123ff.

[59] D'Ewes, p. 379.

[60] Ibid., pp. 397-398; L.J., II, 120-121.

On the 12th, the joint committees waited on the Queen, presented their petition, and heard her reply.[61] Her answer was neither positive nor negative, although she told them that the task of authorizing the execution of the Scottish queen would be "most grievous, and an irksome burden" to her. She therefore requested that both Houses seek some other course of action than execution. However, both Houses unanimously agreed that nothing short of death for Mary would suffice.[62] On the 24th, delegations from both Houses again took their petition to the Queen, and again listened to her reply.[63] She told them that she had just cause to complain about being forced to spill the blood of her own relative. What, she asked, would those say who had already accused her of being a tyrant? As to their petition, she left them with these words: "Your judgment I condemn not, neither do I mistake your reasons, but pray you to accept my thankfulness, excuse my doubtfulness, and take in good part my answer-answerless."

Nevertheless, while parliament was adjourned for the Easter recess, a proclamation of the sentence against Mary was made, and the execution took place on February 8, 1587, before parliament re-assembled.[64]

Not until Elizabeth's eighth parliament was anti-Catholic legislation revived in parliament. This was due mainly to three factors: the removal of Mary Stuart, the failure of the Spanish Armada, and the Puritan campaign for ecclesiastical reform. By 1593, however, Jesuit activity in England had increased. Consequently, official bills to deal with recusancy were introduced into both Houses in the Parliament of 1593. The first began its course in the Lower House, and was intended to deal with Catholic recusants only, but it was abandoned in the Commons.[65] Two others originated in the Upper House, which were passed by both Houses.

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[61] An epitome of the petition is found in the Lord Chancellor's speech which is printed in Holinshed's Chronicles of England, Scotland, and Ireland, ed., Sir Henry Ellis (reprint of 1587 ed., London, 1808), IV, 930. For a report of Elizabeth's reply see pp. 933-935 of the same work.

[62] Ibid., IV, 935-936.

[63] Ibid., IV, 938-940.

[64] The sentence and the proclamation are printed in Holinshed, IV, pp. 940-943. For a penetrating account of the proceedings against the Scottish queen, see Neale, II, 103ff., and also his article, "Proceedings in Parliament Relative to the Sentence on Mary, Queen of Scots," EHR, XXXV (1920), 103-113.

The first lords' bill was "for restraining and punishing vagrant and seditious persons, who under feigned pretense of conscience and religion, corrupt and seduce the Queen's subjects."[66] It stated that anyone over sixteen years of age who refused to attend church would not be permitted to go more than five miles from their homes under pain of forfeiting their lands and holdings. Those who were too poor to be landholders who violated this clause would be guilty of felony. Another clause imposed the penalty of praemunire on any obstinate recusant who for two years refused to tell where he was married, who conducted the marriage ceremony, and who baptized his children. Furthermore, those suspected of being Jesuits, seminarians, or "massing priests" who refused to say whether they were such or not, would be guilty of felony. The same would apply to those who having confessed to be such, refused to tell by whom they had been appointed, or by whom they had been supported for the last two years. Finally, any person refusing to conform who held lands or freehold estate with an annual value of less than five pounds could be either committed to the galleys or banished from the realm by the Queen or any six of her councillors. Anyone who was banished and returned without a special license would be guilty of felony.[67]

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[65] See Neale, II, 280-285, for a discussion of the Commons' bill.

[66] L.J., II, 171.

After being read twice by the lords, the bill was committed, although the Journal does not indicate who was on the committee or what they did.[68] What we do know is that when the bill was returned from the committee, a number of significant changes had been made. In the first place, the bill was limited to Catholic recusants only, since the term "popish recusant" was incorporated in the title as well as in the body of the bill. Secondly, the penalties were made more lenient. Felony was replaced by banishment for poverty-stricken Catholic offenders, and by imprisonment without bail for Jesuit seminarians and priests who refused to admit their identity.[69]

The other lords' bill was also an official one, and began its course ten days after the Commons' anti-Catholic bill was abandoned.[70] The purpose of the bill was to deal with sectaries as well as Roman Catholics. It stated that anyone convicted of refusing to attend church, denying the Queen's authority in ecclesiastical matters, attending conventicles, or persuading others to do these things, would be banished within three months. Anyone who returned without a license to do so would be charged with felony. In addition, anyone who kept such persons in his home after having received a warning, would be fined 10 pounds a month. Close relatives were excepted.[71]

The bill was passed by the lords on the last day of March, 1593, and according to one report, it passed "by means of the bishops." Since they were outnumbered 13 to 30 in the Upper House, they perhaps influenced a number of the temporal lords in order to obtain a majority vote.[72] The bill encountered much debate in the Commons with most of the opposition coming from those who feared that all Puritans would be included along with sectaries such as Barrowists and Brownists. Consequently a number of modifications were made which lessened the severity of the bill.[73] Since it looked as if the Whitgift party was about to be defeated, the day after the Commons expressed their dislike of the bill (April 6, 1593), two Separatist leaders, Henry Barrow and John Greenwood, condemned to death because they had written seditious books, were executed. According to the same report which had said the bishops influenced the passage of the bill in the Lords, the executions were carried out because of the malice which the bishops had toward the Commons.[74] After the bill was limited to sectaries only, its passage was completed.

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[67] Cal. S.P. Dom. Eliz., 1591-94, 244/108, p. 338.

[68] L.J., II, 171.

[69] Statutes, IV, ii, 844-845.

[70] L.J., II, 182.

[71] Cal. S.P. Dom. Eliz., 1591-94, 244/124, p. 341.

The bishops' behavior concerning this legislation, scant though the evidence is, again supports our thesis that what unity there once had been between the bishops and Commons had broken down, and that now the spiritual lords were solidly behind the Queen in calling for measures against Catholic and Puritan alike.

### (c) Attempts to Legislate on Episcopal Lands

Before concluding this study, something more needs to be said about the lands of the Church. After Elizabeth's first parliament had ended, we saw the bishops make a futile attempt to keep the Crown from exchanging their temporal possessions for parsonages impropriate and tithes, as had the Marian bishops in parliament.[75] Like Henry VIII and Edward VI, Elizabeth frequently granted long and profitable leases of episcopal lands to her officials and courtiers. The bishops were compelled to accept the Queen's policy because of their need of royal favor as well as their desire for patronage by influential laymen.[76] The bishops constantly complained about not having sufficient revenues and not being able to maintain their standard of living because of the added demands of hospitality and charity. Two other factors added to their difficulties. One was the rapid rise of prices throughout Western Europe during the latter half of the sixteenth century;[77] the other was that unlike their medieval predecessors, most of the Elizabethan bishops had families to support. Furthermore, the Puritan attacks on evils in the Church tended to alienate public opinion from the bishops. After 1583, however, the bishops under the leadership of Whitgift began resisting those who sought to alienate their lands.

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[72] Ibid.; L.J., II, 184.

[73] For a discussion of the debates, committals, and amendments in the Lower House, see D'Ewes, pp. 517-520, and Neale, II, 288-294.

[74] Cal. S. P. Dom. Eliz., 1591-94, 244/124, p. 342.

In the Parliament of 1597, and in the Parliament of 1601, there were two unsuccessful attempts to restrict the bishops' powers of leasing land and collecting fines. The 1597 bill was rejected after the second reading in the Commons. In 1601, after the first reading of the bill, John Boys, M.P. for Canterbury and steward of Whitgift, delivered such an impassioned speech against it that it was rejected on the second reading. Had it succeeded, it would have prevented the bishops from changing leases or conditions of tenure at short intervals.[78]

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[75] See above, pp. 55-56, and 99-101.

[76] A. G. Dickens, The English Reformation (London, 1964), p. 309.

[77] See Earl J. Hamilton, American Treasure and the Price Revolution in Spain, 1501-1650 (Cambridge, Mass., 1934), and Hill, pp. 25-26.

Also in the last parliament, a bill was introduced into the House of Lords which the Clerk referred to simply as "a bill for assurance of lands." It is not only important because it doubtless had something to do with episcopal lands (presumably those of the diocese of London), but also because the Clerk gives us a rare glimpse of a bishop in action in the Upper House. For this reason, the proceedings deserve to be told in detail.

The bishop was Bancroft of London, soon to succeed Whitgift as archbishop of Canterbury.[79] The bill had been amended by a committee of which Bancroft was a member, together with Whitgift, Tobias Matthew of Durham, Thomas Bilson of Winchester, and a number of temporal lords. When the bill was returned to the House, the amendments were read twice, and the bill was ready to be engrossed. Bancroft then asked to speak concerning the bill and its amendments since he was not in agreement with the other committee members. However, the Earl of Nottingham, also on the committee, questioned whether the bishop's action was in order and according to custom, since Bancroft had been on the committee. The question was therefore put to the House, and most of the lords agreed that he could speak before the bill was engrossed. Bancroft then made his speech, and the bill was ordered to be engrossed.[80]

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[78] D'Ewes, pp. 562, 623, 625 ff.; Townshend, Historical Collections, pp. 186-187; Neale, II, 416; Hembry, pp. 204-205.

[79] On Bancroft, see Stuart B. Babbage, Puritanism and Richard Bancroft (London, 1962).

Following the third reading of the bill, he again objected to certain portions, as did a number of other lords. A vote was taken on whether the bill should be committed again. The House was evenly divided, but the negative votes were permitted to prevail. However, when the bill was voted upon, it was rejected. By how much of a margin, we are not told.[81] We can only wish that we knew the contents of this bill and of Bancroft's speech. Neither do we know whether Bancroft was supported by his fellow bishops on the committee. We can only guess that the bishop of London was resisting an attempt to either alienate or exchange certain lands of his see, and it appears that his speech helped to influence the lords to kill the bill.

This brings us then to the issue of pluralities and non-residence which had been included in the complaints of the Lower House regarding evils in the Church, and which appeared in the form of bills in the Parliaments of 1589, and 1601.[82] Pluralities and non-residence were, of course, not new, but the emphasis which was placed on preaching in the Elizabethan Church, together with the rising standards of public education, demanded a more learned ministry. Such ministers in turn, needed more financial assistance to maintain themselves, and to attract more learned preachers in an age of rising prices. However, few laymen reached into their pockets to help the clergy. Instead, they seized every opportunity to exploit them. One reason for pluralities was that many benefices were incapable of supporting ministers who devoted all their time to study and preaching. In other words, poverty caused pluralism. Another reason was that many ministers, Catholic and Puritan, had been deprived, and it became difficult to find enough men to fill vacant livings. Thus, as we shall see, the bishops did not deny that pluralities and non-residence were too prevalent, but they repeatedly insisted that the standing of the Church would be diminished if pluralism and absenteeism were completely eliminated.

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[80] D'Ewes, pp. 602-603; L.J., II, 230, 234-235.

[81] *Ibid.*, p. 605.

[82] The following remarks are based on Hill, chap. xii, and Dickens, pp. 309-310.

The 1589 bill was launched by the Puritans in the Lower House, and by March 10, it was in the Lords. Three days later it was given an initial reading.[83] The bill did not seek to abolish all pluralities. For example, if a person held more than one benefice at the time the bill was drafted, he could continue to hold them; but if he accepted another, the first one would then become void. A proviso permitted two small benefices to be held, provided they were within three miles of each other, and were not worth more than eight pounds a year. A person holding one benefice should have his residence on it. Pluralists were to reside on one of their livings, and anyone who was absent for as much as three months, one or more times during the year, with the exception of those in the Queen's service, would have to pay 10 pounds for each month of absence. The bill further required every pluralist to see that able ministers were in residence on those benefices on which he did not reside. Failure to do so would incur a penalty of five pounds a month. Finally, the bill declared void all dispensations made against these provisions.[84]

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[83] D'Ewes, pp. 425, 440-444; L.J., II, 159.

[84] An account of this debate is given in Neale, II, 227-229, citing St. Paul's Add. MS., IV, 137; Petyt MS. 538/52, fols. 326 seqq.; Lansdowne MS. 396, fols. 59 seqq. Whitgift's comments are deduced from the summary of Lord Grey's speech.

This bill is of particular interest because it created a debate in the Upper House between Whitgift on one side, and Lord Burghley and Lord Grey on the other. Burghley criticized the bishops for their selfishness and slackness, and called upon them not to hinder the Queen's purpose when she again met with them. However, since he did not wish to hinder the cause of learning, he was willing to allow learned pluralists two benefices as long as they both lay within the same diocese.

Whitgift's reply to Burghley was that there were more benefices than there were learned ministers to fill them. Furthermore, he argued, the Church of England now had more learned ministers than ever before, and the number was greater than in all the other reformed churches. Doubtless acting as Elizabeth's messenger, he told the lords that the Queen wished to confer only with the bishops, and not with some lay peers as well. The bill was not read again.[85]

Besides opposing the bill in the Upper House, Whitgift played an important part in the framing of a petition against the bill to be presented to Elizabeth by Convocation.[86] Pleading for her "most sovereign protection," it warned that the bill would only cause learning to decay, spoil the livings of the clergy, and create "confusion and barbarism." The petition begged the Queen to consider what the future would be like if the pluralities bill succeeded, and warned that learned ministers who were now provided for would then need to be cared for. It pointed out that impropriations of tithes caused the clergy to suffer from poverty, and that out of 8,800 benefices with cure, only about 600 held singly, were sufficient to provide for learned ministers.

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[85] Strype, Annals, III, ii, 53-54.

[86] The petition is printed in Wilkins, Concilia, IV, 339, and in Strype, Whitgift, I, 534-536. See also Cal. S.P. Dom. Eliz., 1581-90, 223/15.

While Whitgift, like Elizabeth, refused to permit parliament to remove existing evils in the Church, he again took measures in Convocation to deal with them. He personally drew up a number of regulations which were accepted by the clergy and confirmed by the Queen. Holders of one benefice were required to be resident unless they had some other appointment such as residing in a cathedral church, in which case they had to find an able minister as a substitute. Pluralists who held two benefices by dispensation, were to reside equally at each and provide an able preacher in their absence. Such substitutes had to be appointed by the authority of the bishop. Any minister guilty of a notorious crime or scandal would be removed from his living and barred from ever being admitted to another. Finally, any minister so unlearned that he was not able to catechize, would not be admitted to any cure.[87] However, it was one thing to issue regulations, and it was another to have them carried out. Consequently, the Puritans launched another bill against pluralities and non-residence in 1601.

Although the pluralities bill of 1601 never reached the House of Lords, it deserves our attention since there was definite episcopal reaction to it outside of parliament. The purpose of the bill was to remedy certain "inconveniences" in the pluralities act of Henry VIII.[88] That is, it would repeal those provisoes in the statute which provided for the granting of dispensations by bishops to the clergy. Unlike the bill of 1589, which permitted those who were holding more than one benefice to continue holding them, this bill insisted on one benefice only to one minister if it was valued at eight pounds or more.[89] Despite the opposition of Whitgift's adherents in the Commons, the bill was committed after the second reading.[90]

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[87] Wilkins, IV, 338.

[88] D'Ewes, p. 639; Hill, pp. 225, 231.

At this point Whitgift decided on further action--another appeal to the Queen. He wrote a letter to her explaining how she would be affected by the bill, and how it would affect the clergy. He pointed out that it was contrary to her wish that there should be no innovations in this parliament. Furthermore, the bill would be an infringement on her royal prerogative, would lessen her authority, and would diminish her revenues. He warned further that such a bill would be to the detriment of the ablest ministers, and would ultimately destroy the study of divinity in the universities. He expressed astonishment that such a bill should be re-introduced since he had acted in Convocation to deal with abuses arising from pluralities, and said it was absurd to think that a learned divine could live on eight pounds a year. He ended the letter by again reminding her that her prerogative was in as much danger as the clergy, should the bill pass.[91]

As in 1589, Convocation drew up another petition against the bill to be presented to Elizabeth. Its arguments were much the same as those in

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[89] Neale, II, 406, citing an attack on the bill in St. Paul's Cathedral Add. MS., VII, 26.

[90] D'Ewes, pp. 639-641.

[91] Whitgift's letter is printed in Wilkins, IV, 339, and in Strype, _Whitgift_, I, 533-34. A similar statement is printed in Strype, _Whitgift_, I, 380-81, but the date is wrong since the Journal mentions no pluralities bill in the Parliament of 1584-85. Cf. Hill, pp. 232-33, who also puts it in 1584, and confuses this pluralities bill with the one of 1589.

Whitgift's letter, but it also called the bill hypocritical in that it not only permitted, but increased those very things it pretended to reform. Should the bill be enacted, warned the petition, a "perpetual blemish" would be stamped on the entire reign.[92]

Whether Elizabeth intervened to stop the bill, we are not told. All we know for certain is that a new bill came back from the committee and was read only once.[93] It is possible that the Queen's intervention was needed, and if so, this was probably due in part to the influence of Whitgift's adherents in the Commons. It is more likely, however, that she did act, as in previous parliaments, to defend her royal supremacy in ecclesiastical matters.

A look back at Elizabeth's last six parliaments shows that after the clash between the Queen and some of the bishops over prophesyings, there was no real friction between them. The only time a case can be made for any difference at all is in 1586 when the bishops took the same stand they had taken earlier in demanding the death of Mary, Queen of Scots. However, Elizabeth did not rebuke them for it, and eventually even issued the proclamation of the Scottish queen's sentence. There were also those times when Elizabeth scolded certain of her bishops for their laxness in enforcing uniformity and conformity in their dioceses, but in the writer's view, neither of these facts makes it necessary for us to say that there was still disunity and friction between the Queen and her bishops. Instead, this final chapter reflects a strong tie between them. Time after time Elizabeth answered the appeals of her archbishop, and defended the episcopate against the Puritan barrage of attacks. Conversely, every government-sponsored bill received the support of the spiritual lords. It was because of this working relationship that Whitgift, his party, and his Queen were the victors in the struggle to defend the Elizabethan settlement.

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[92] The petition is printed in Strype, Whitgift, I, 383-384, and in Wilkins, IV, 308-309.

[93] D'Ewes, p. 650.

# CONCLUSION

We have seen in the introductory chapter of this study that the bishops, as lords of parliament, were just as active in the routine business of the House of Lords as the lay peers. Both archbishops and bishops could, through Convocation, draft bills to be introduced in parliament. They served on committees dealing with secular as well as ecclesiastical legislation, and although the Journal does not record many speeches and debates, there is enough evidence to show that the spiritual lords participated freely in the discussion of issues before the Upper House. The archbishops acted, in most cases, as spokesmen for the bishops, and while both bishops and archbishops could assist in the prorogation of a session of parliament, only the archbishops could, in the absence of the Queen, assist in the opening and dissolution of a parliament.

The only parliament for which we can be sure that the bishops provided a solid bloc of votes is the Parliament of 1559, when the Marian survivors joined as one body in opposing the new religious policy of the Crown. After that parliament, the Journal does not indicate who voted for or against bills. It shows only that bills were passed or rejected. However, this much can be said. It does not appear that the bishops, after 1559, opposed or blocked the passage of any government-sponsored legislation. In this sense only, the Elizabethan bishops could be said to be a reliable and obedient bloc of government votes on religious as well as secular issues.

It has been the purpose of this study, however, to point out the differences which existed between the Queen and her bishops before 1583. We have seen that the new bench of spiritual lords which replaced the old was not in full agreement with the religious settlement of 1559. All but nine of the new appointees between 1559 and 1563 had been in exile during the reign of Mary, and at least nine of the exiles were "progressives" who were critical of Elizabeth's reluctance to eliminate all traces of Catholicism in England. However, the other fourteen appointees were "conservatives" in that while they may have been disappointed that the Queen did not carry the reforms any farther than she did, they were not willing to jeopardize their positions by refusing to tolerate certain "popish" rites and ceremonies.

The twenty bishops who were appointed between 1563 and 1583 were all conservatives, only two of them having been in exile. The differences between the so-called progressives and conservatives appeared only outside of parliament. They all seem to have joined the Commons in demanding a solution to the succession problem, and in supporting the Commons' bill to grant statutory authority to the Thirty-Nine Articles in the Parliament of 1563. We may recall that on both counts they were unsuccessful, and were rebuked by the Queen. The bishops had called for the solution of the succession because of their fear of another Catholic ruler, while Elizabeth chose to use her marital status to diplomatic advantage, and to name her successor when and if she felt the time was right to do so. She refused parliament the right to authorize doctrinal statements, even when it meant opposing her bishops, because it infringed on her ecclesiastical supremacy.

With the Parliaments of 1571-1581, the differences between the Queen and her bishops decreased even more, especially in the latter part of the decade. This was due to two main factors: the growing influence of the Puritans in the Lower House, and the continual changes taking place on the episcopal bench. Most of the progressive bishops who had formerly sympathized with Puritan demands began to change their attitudes as a result of the increasing criticism of the Church, and Presbyterian demands for the abolition of the episcopate. However, while the breach continued to narrow between the Queen and her bishops, there still was not complete unity. Under the leadership of Archbishop Grindal, the spiritual lords joined the Lower House in attempting to pass legislation which would enforce church attendance and the taking of communion, but Elizabeth refused to comply. Her religious convictions were not as deep as those of her bishops, and she was not as ready as they to force men's consciences. Because of their fear of Catholicism, the bishops also joined the Lower House in the Parliament of 1572 in calling for severe measures against Mary, Queen of Scots, but Elizabeth was not as willing as they to shed the blood of her kinswoman. But while they were not of one mind on these matters, there were no sharp clashes between them as there had been in the Parliament of 1563.

After 1581, there were no real differences between the Queen and her bishops in parliament except for the repeated demands of the bishops in 1586 for the head of Mary Stuart. Outside of parliament, however, the clash between Archbishop Grindal and Elizabeth over prophesyings kept the breach from completely closing before Whitgift's appointment in 1583.

When Elizabeth's fifth parliament was summoned in 1584, the composition of the episcopal bench was far different than it had been in 1563. Only two of the early progressives were still living, and they were too old to be of much influence in the Upper House. Only one on the bench had spent Mary Tudor's reign on the continent, and only three had ever shown any sympathies with the Puritan movement. Their spokesman and leader, Whitgift, spearheaded a campaign enforcing conformity to the Elizabethan settlement, and resisting, with the Queen's blessing, any attempts to modify the teachings or organization of the Church. Not only did he have his reporters stationed in the Commons, but he was the Queen's messenger and spokesman in the House of Lords. With his appointment to the see of Canterbury, the breach which had opened in 1559 between the Crown and episcopate, not only continued to narrow, but finally closed.

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